

AMENDED IN SENATE AUGUST 5, 1998

AMENDED IN SENATE JUNE 30, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2801

**Introduced by Committee on Judiciary (Escutia (Chair),
Alby, Aroner, Baugh, Figueroa, Hertzberg, Kaloogian,
Keeley, Kuehl, Martinez, Morrow, Ortiz, Pacheco, and
Shelley)**

March 9, 1998

~~An act to amend Section 39 of the Civil Code, to amend~~ *An act to amend* Sections 366.2, 527.6, and 527.8 of the Code of Civil Procedure, to amend Sections 2020, 2101, 2103, 2104, 2105, 2106, 2110, 2330, 2330.1, 2336, 2337, 4055, 6203, 6380, and 7541 of the Family Code, and to amend Sections 810, 811, ~~1802, 1826, 1870, 1872, 2620, 2640, 6454, 8250, 8271, 9053, and 9100 of the 2620, 2640, 8250, and 8271 of the~~ Probate Code, relating to civil proceedings.

LEGISLATIVE COUNSEL'S DIGEST

AB 2801, as amended, Committee on Judiciary. Civil proceedings: dissolution of marriage: harassment: conservatorships and probate.

(1) Existing law prescribes the procedures for dissolution of marriage or legal separation of the parties. Among other things, these provisions specify the contents of a petition for dissolution of marriage or legal separation of the parties, and require each party to serve on the other party declarations of

disclosure regarding their income and property. In the case of a default judgment, a petitioner is authorized to waive requirements with respect to the final declaration of disclosure, as specified.

This bill would specify that in the case of a default judgment, a petitioner shall not be required to serve or receive a final declaration of disclosure. The bill would revise the contents of a petition for dissolution of marriage or legal separation of the parties, require the parties to file with the court proof of service for each declaration of disclosure served, and define an income and expense declaration to include forms approved by the Judicial Council and other forms, as specified. The bill would make other related changes.

(2) Existing law specifies the method for calculating child support. That formula is based, in part, on the percentage of time the high earner has or will have primary physical responsibility for the children compared to the other parent. In any proceeding for child support where a party fails to appear, and in certain default proceedings, existing law deems that percentage to be in favor of the custodial parent, regardless of which party is the defaulting party, where there is no evidence presented demonstrating the percentage of time that the noncustodial parent has primary physical responsibility for the children.

This bill would provide that in any proceeding for child support where a party fails to appear, and in certain default proceedings, the percentage described above with respect to the calculation of child support shall not apply if the custodial parent is the defaulting party, as specified.

(3) Existing law, known as the Domestic Violence Prevention Act, defines “abuse” to mean, among other things, intentionally or recklessly causing bodily injury, or sexual assault.

This bill would add to that definition any act that has been or could be enjoined by ex parte order as specified in the act.

(4) Under existing law, a judicial determination that a person lacks legal capacity to perform specified acts must be based on evidence of a mental function deficit rather than on a diagnosis of a mental or physical disorder.



This bill would (a) declare that there is a rebuttable presumption affecting the burden of proof that all persons have legal capacity to make decisions and be responsible for their acts and (b) require that a judicial determination of lack of capacity be supported by evidence of a correlation between the person's mental function deficit and the decisions or acts in question. ~~However, in uncontested cases or in cases where a party voluntarily requests appointment of a conservator, the bill would provide that the petitioning party shall not be required to prove a mental function deficit or correlation.~~

~~(5) Existing law describes a conservatee as one who lacks legal capacity to, among other things, make a conveyance or other contract. Existing law also provides that a conveyance or other contract by a person of unsound mind, before a lack of capacity has been determined, may be rescinded.~~

~~This bill would expand these provisions to provide that a conservatee lacks legal capacity to delegate or exercise any power or waive any right and a delegation or exercise of any power or waiver of any right by a person of unsound mind may be rescinded.~~

~~(6)~~

(5) Existing law defines the duties of court investigators in conservatorship proceedings and includes in those duties the obligation to review the petition and specified information provided by the petitioner to determine why a conservator is required.

This bill would additionally require the investigator, in making that determination, to consider, if practicable, whether the proposed conservatee suffers from a mental function deficit. The bill would also allow the court to order that an investigation is not necessary, or may be limited, if an investigation has been performed within the past 6 months. Because this bill would impose new duties on court investigators, it would create a state-mandated local program.

~~(7)~~

(6) Under existing law, the child of a wife cohabiting with her husband who is not impotent or sterile is presumed to be a child of the marriage, except where the court finds, based on blood tests, that the husband is not the father of the child. This exception is not applicable in cases where the child was

conceived, with the consent of the husband, by artificial insemination or a surgical procedure.

This bill would additionally specify that blood tests may not be used to challenge paternity in those cases.

~~(8)~~

(7) Existing law prescribes the procedures for the issuance and service of a summons in a will contest or a proceeding for revocation of probate.

This bill would specify that the summons and objection in a will contest shall be issued and served in the same manner as a summons and complaint in civil actions and would require that the summons in a proceeding for revocation of probate be served with a copy of the petition.

~~(9)~~

(8) Existing law allows any person who has suffered harassment to seek a temporary restraining order and injunction, as specified, and defines “harassment” as a knowing and willful course of conduct, as defined, directed at a specific person that seriously alarms, annoys, or harasses the person and that serves no legitimate purpose. Existing law requires that the defendant be served with a copy of the petition for an injunction within the earlier of 5 days after the temporary restraining order is issued or 2 days before the hearing, or a shorter time if ordered by the court for good cause. Violation of such an order is a misdemeanor. Existing law requires counties to transmit specified data to the Department of Justice when certain orders, including temporary restraining orders or injunctions relating to domestic violence, are issued.

This bill would expand the definition of “harassment” to include unlawful violence, as defined, and a credible threat of violence, as defined, and would add specific examples to the definition of “course of conduct.” The bill would give the court discretion, upon good cause shown, to include in the temporary restraining order other named persons residing with the petitioner and require that the defendant be served with a copy of the petition for an injunction at least 5 days before the hearing or a shorter time if ordered by the court for good cause. The bill would also add temporary restraining orders and injunctions relating to harassment to the list of



orders subject to the Department of Justice data reporting requirement.

~~(10)~~

(9) Existing law also allows any employer, whose employee has suffered unlawful violence, as defined, or a credible threat thereof, as defined, to seek a temporary restraining order or injunction on behalf of the employee as specified.

This bill would modify the definition of “credible threat of violence;” give the court discretion, upon good cause shown, to include in the temporary restraining order other named persons residing with the employee; and require that the defendant be served with a copy of the petition for an injunction at least 5 days before the hearing, or a shorter time if ordered by the court for good cause.

~~(11) Under existing law, for purposes of determining intestate succession, the relationship of parent and child is deemed to exist between a person and the person’s foster parent or stepparent if, among other things, the foster parent or stepparent would have adopted the person but for a legal barrier.~~

~~This bill would require that the legal barrier exist at the time adoption was contemplated or attempted and provide that the person’s refusal to consent to the adoption is not a legal barrier for purposes of this provision.~~

~~(12)~~

(10) The bill would make related changes.

~~(13)~~

(11) This bill would create state-mandated local programs by imposing new duties on local officers and expanding the scope of a crime.

~~(14)~~

(12) This bill would incorporate additional changes to Section 6380 of the Family Code made by AB 1531, AB 2177, and SB 1682, to be operative if this bill and one or more of the other bills are enacted and become effective on or before January 1, 1999, and this bill is enacted last.

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the

creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 39 of the Civil Code is amended~~
2 ~~to read:~~

3 ~~39. (a) A conveyance or other contract, delegation or~~
4 ~~exercise of any power, or waiver of any right by a person~~
5 ~~of unsound mind, but not entirely without understanding,~~
6 ~~made before the incapacity of the person has been~~
7 ~~judicially determined, is subject to rescission, as provided~~
8 ~~in Chapter 2 (commencing with Section 1688) of Title 5~~
9 ~~of Part 2 of Division 3.~~

10 ~~(b) A rebuttable presumption affecting the burden of~~
11 ~~proof that a person is of unsound mind shall exist for~~
12 ~~purposes of this section if the person is substantially~~
13 ~~unable to manage his or her own financial resources or~~
14 ~~resist fraud or undue influence. Substantial inability may~~
15 ~~not be proved solely by isolated incidents of negligence~~
16 ~~or improvidence.~~

17 ~~SEC. 2.~~

18 ~~SECTION 1.~~ Section 366.2 of the Code of Civil
19 Procedure is amended to read:

20 366.2. (a) If a person against whom an action may be
21 brought on a liability of the person, whether arising in
22 contract, tort, or otherwise, and whether accrued or not
23 accrued, dies before the expiration of the applicable

1 limitations period, and the cause of action survives, an
2 action may be commenced within one year after the date
3 of death, and the limitations period that would have been
4 applicable does not apply.

5 (b) The limitations period provided in this section for
6 commencement of an action shall not be tolled or
7 extended for any reason except as provided in any of the
8 following, where applicable:

9 (1) Part 4 (commencing with Section 9000) of Division
10 7 of the Probate Code (creditor claims in administration
11 of estates of decedents).

12 (2) Part 8 (commencing with Section 19000) of
13 Division 9 of the Probate Code (payment of claims, debts,
14 and expenses from revocable trust of deceased settlor).

15 (3) Part 3 (commencing with Section 21300) of
16 Division 11 of the Probate Code (no contest clauses).

17 (c) This section applies to actions brought on liabilities
18 of persons dying on or after January 1, 1993.

19 ~~SEC. 3.~~

20 *SEC. 2.* Section 527.6 of the Code of Civil Procedure
21 is amended to read:

22 527.6. (a) A person who has suffered harassment as
23 defined in subdivision (b) may seek a temporary
24 restraining order and an injunction prohibiting
25 harassment as provided in this section.

26 (b) For the purposes of this section, “harassment” is
27 unlawful violence, a credible threat of violence, or a
28 knowing and willful course of conduct directed at a
29 specific person that seriously alarms, annoys, or harasses
30 the person, and that serves no legitimate purpose. The
31 course of conduct must be such as would cause a
32 reasonable person to suffer substantial emotional distress,
33 and must actually cause substantial emotional distress to
34 the plaintiff.

35 As used in this subdivision:

36 (1) “Unlawful violence” is any assault or battery, or
37 stalking as prohibited in Section 646.9 of the Penal Code,
38 but shall not include lawful acts of self-defense or defense
39 of others.

1 (2) “Credible threat of violence” is a knowing and
2 willful statement or course of conduct that would place
3 a reasonable person in fear for his or her safety, or the
4 safety of his or her immediate family, and that serves no
5 legitimate purpose.

6 (3) “Course of conduct” is a pattern of conduct
7 composed of a series of acts over a period of time,
8 however short, evidencing a continuity of purpose,
9 including following or stalking an individual, making
10 harassing telephone calls to an individual, or sending
11 harassing correspondence to an individual by any means
12 including, but not limited to, the use of public or private
13 mails, interoffice mail, fax, or computer e-mail.
14 Constitutionally protected activity is not included within
15 the meaning of “course of conduct.”

16 (c) Upon filing a petition for an injunction under this
17 section, the plaintiff may obtain a temporary restraining
18 order in accordance with Section 527, except to the extent
19 this section provides a rule that is inconsistent. A
20 temporary restraining order may be issued with or
21 without notice upon an affidavit that, to the satisfaction
22 of the court, shows reasonable proof of harassment of the
23 plaintiff by the defendant, and that great or irreparable
24 harm would result to the plaintiff. In the discretion of the
25 court, and on a showing of good cause, a temporary
26 restraining order issued under this section may include
27 other named family or household members who reside
28 with the plaintiff. A temporary restraining order issued
29 under this section shall remain in effect, at the court’s
30 discretion, for a period not to exceed 15 days, or, if the
31 court extends the time for hearing under subdivision (d),
32 not to exceed 22 days, unless otherwise modified or
33 terminated by the court.

34 (d) Within 15 days, or, if good cause appears to the
35 court, 22 days, from the date the temporary restraining
36 order is issued, a hearing shall be held on the petition for
37 the injunction. The defendant may file a response that
38 explains, excuses, justifies, or denies the alleged
39 harassment or may file a cross-complaint under this
40 section. At the hearing, the judge shall receive any

1 testimony that is relevant, and may make an independent
2 inquiry. If the judge finds by clear and convincing
3 evidence that unlawful harassment exists, an injunction
4 shall issue prohibiting the harassment. An injunction
5 issued pursuant to this section shall have a duration of not
6 more than three years. At any time within the three
7 months before the expiration of the injunction, the
8 plaintiff may apply for a renewal of the injunction by
9 filing a new petition for an injunction under this section.

10 (e) Nothing in this section shall preclude either party
11 from representation by private counsel or from
12 appearing on the party's own behalf.

13 (f) In a proceeding under this section where there are
14 allegations or threats of domestic violence, a support
15 person may accompany a party in court and, where the
16 party is not represented by an attorney, may sit with the
17 party at the table that is generally reserved for the party
18 and the party's attorney. The support person is present to
19 provide moral and emotional support for a person who
20 alleges he or she is a victim of domestic violence. The
21 support person is not present as a legal adviser and shall
22 not give legal advice. The support person shall assist the
23 person who alleges he or she is a victim of domestic
24 violence in feeling more confident that he or she will not
25 be injured or threatened by the other party during the
26 proceedings where the person who alleges he or she is a
27 victim of domestic violence and the other party must be
28 present in close proximity. Nothing in this subdivision
29 precludes the court from exercising its discretion to
30 remove the support person from the courtroom if the
31 court believes the support person is prompting, swaying,
32 or influencing the party assisted by the support person.

33 (g) Upon filing of a petition for an injunction under
34 this section, the defendant shall be personally served with
35 a copy of the petition, temporary restraining order, if any,
36 and notice of hearing of the petition. Service shall be
37 made at least five days before the hearing. The court may
38 for good cause, on motion of the plaintiff or on its own
39 motion, shorten the time for service on the defendant.

1 (h) The court shall order the plaintiff or the attorney
2 for the plaintiff to deliver a copy of each temporary
3 restraining order or injunction, or modification or
4 termination thereof, granted under this section, by the
5 close of the business day on which the order was granted,
6 to the law enforcement agencies within the court's
7 discretion as are requested by the plaintiff. Each
8 appropriate law enforcement agency shall make
9 available information as to the existence and current
10 status of these orders to law enforcement officers
11 responding to the scene of reported harassment.

12 An order issued under this section shall, on request of
13 the plaintiff, be served on the defendant, whether or not
14 the defendant has been taken into custody, by any law
15 enforcement officer who is present at the scene of
16 reported harassment involving the parties to the
17 proceeding. The plaintiff shall provide the officer with an
18 endorsed copy of the order and a proof of service that the
19 officer shall complete and send to the issuing court.

20 Upon receiving information at the scene of an incident
21 of harassment that a protective order has been issued
22 under this section, or that a person who has been taken
23 into custody is the subject of an order, if the protected
24 person cannot produce a certified copy of the order, a law
25 enforcement officer shall immediately attempt to verify
26 the existence of the order.

27 If the law enforcement officer determines that a
28 protective order has been issued, but not served, the
29 officer shall immediately notify the defendant of the
30 terms of the order and shall at that time also enforce the
31 order. Verbal notice of the terms of the order shall
32 constitute service of the order and is sufficient notice for
33 the purposes of this section and for the purposes of
34 Section 273.6 and subdivision (g) of Section 12021 of the
35 Penal Code.

36 (i) The prevailing party in any action brought under
37 this section may be awarded court costs and attorney's
38 fees, if any.



(j) Any willful disobedience of any temporary restraining order or injunction granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

(k) This section does not apply to any action or proceeding covered by Title 1.6C (commencing with Section 1788) of the Civil Code or by Division 10 (commencing with Section 6200) of the Family Code. Nothing in this section shall preclude a plaintiff's right to use other existing civil remedies.

(l) The Judicial Council shall promulgate forms and instructions therefor, and rules for service of process, scheduling of hearings, and any other matters required by this section. The petition and response forms shall be simple and concise.

~~SEC. 4.~~

SEC. 3. Section 527.8 of the Code of Civil Procedure is amended to read:

527.8. (a) Any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an injunction on behalf of the employee prohibiting further unlawful violence or threats of violence by that individual.

(b) For the purposes of this section:

(1) "Unlawful violence" is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

(2) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.

(3) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee to or from the place of work; entering the workplace; following an

1 employee during hours of employment; making
2 telephone calls to an employee; or sending
3 correspondence to an employee by any means, including,
4 but not limited to, the use of the public or private mails,
5 interoffice mail, fax, or computer e-mail.

6 (c) Nothing in this section shall be construed to permit
7 a court to issue a temporary restraining order or
8 injunction prohibiting speech or other activities that are
9 constitutionally protected, or otherwise protected by
10 Section 527.3 or any other provision of law.

11 (d) For purposes of this section, the terms “employer”
12 and “employee” mean persons defined in Section 350 of
13 the Labor Code. The term “employer” also includes a
14 federal agency, the state, a state agency, a city, county, or
15 district, and a private, public, or quasi-public corporation,
16 or any public agency thereof or therein. The term
17 “employee” also includes the members of boards of
18 directors of private, public, and quasi-public corporations
19 and elected and appointed public officers. For purposes
20 of this section only, the term “employee” also includes a
21 volunteer or independent contractor who performs
22 services for the employer at the employer’s worksite.

23 (e) Upon filing a petition for an injunction under this
24 section, the plaintiff may obtain a temporary restraining
25 order in accordance with subdivision (a) of Section 527,
26 if the plaintiff also files an affidavit that, to the satisfaction
27 of the court, shows reasonable proof that an employee has
28 suffered unlawful violence or a credible threat of violence
29 by the defendant, and that great or irreparable harm
30 would result to an employee. In the discretion of the
31 court, and on a showing of good cause, a temporary
32 restraining order issued under this section may include
33 other named family or household members who reside
34 with the employee.

35 A temporary restraining order granted under this
36 section shall remain in effect, at the court’s discretion, for
37 a period not to exceed 15 days, unless otherwise modified
38 or terminated by the court.

39 (f) Within 15 days of the filing of the petition, a hearing
40 shall be held on the petition for the injunction. The

1 defendant may file a response that explains, excuses,
2 justifies, or denies the alleged unlawful violence or
3 credible threats of violence or may file a cross-complaint
4 under this section. At the hearing, the judge shall receive
5 any testimony that is relevant and may make an
6 independent inquiry. Moreover, if the defendant is a
7 current employee of the entity requesting the injunction,
8 the judge shall receive evidence concerning the
9 employer's decision to retain, terminate, or otherwise
10 discipline the defendant. If the judge finds by clear and
11 convincing evidence that the defendant engaged in
12 unlawful violence or made a credible threat of violence,
13 an injunction shall issue prohibiting further unlawful
14 violence or threats of violence. An injunction issued
15 pursuant to this section shall have a duration of not more
16 than three years. At any time within the three months
17 before the expiration of the injunction, the plaintiff may
18 apply for a renewal of the injunction by filing a new
19 petition for an injunction under this section.

20 (g) Nothing in this section shall preclude either party
21 from representation by private counsel or from
22 appearing on his or her own behalf.

23 (h) Upon filing of a petition for an injunction under
24 this section, the defendant shall be personally served with
25 a copy of the petition, temporary restraining order, if any,
26 and notice of hearing of the petition. Service shall be
27 made at least five days before the hearing. The court may,
28 for good cause, on motion of the plaintiff or on its own
29 motion, shorten the time for service on the defendant.

30 (i) The court shall order the plaintiff or the attorney
31 for the plaintiff to deliver a copy of each temporary
32 restraining order or injunction, or modification or
33 termination thereof, granted under this section, by the
34 close of the business day on which the order was granted,
35 to the law enforcement agencies within the court's
36 discretion as are requested by the plaintiff. Each
37 appropriate law enforcement agency shall make
38 available information as to the existence and current
39 status of these orders to law enforcement officers

1 responding to the scene of reported unlawful violence or
2 a credible threat of violence.

3 (j) Any intentional disobedience of any temporary
4 restraining order or injunction granted under this section
5 is punishable pursuant to Section 273.6 of the Penal Code.

6 (k) Nothing in this section shall be construed as
7 expanding, diminishing, altering, or modifying the duty,
8 if any, of an employer to provide a safe workplace for
9 employees and other persons.

10 (l) The Judicial Council shall develop forms,
11 instructions, and rules for scheduling of hearings and
12 other procedures established pursuant to this section. The
13 forms for the petition and response shall be simple and
14 concise.

15 ~~SEC. 5.~~

16 *SEC. 4.* Section 2020 of the Family Code is amended
17 to read:

18 2020. A responsive pleading, if any, shall be filed and
19 a copy served on the petitioner within 30 days of the date
20 of the service on the respondent of a copy of the petition
21 and summons.

22 ~~SEC. 6.~~

23 *SEC. 5.* Section 2101 of the Family Code is amended
24 to read:

25 2101. Unless the provision or context otherwise
26 requires, the following definitions apply to this chapter:

27 (a) “Asset” includes, but is not limited to, any real or
28 personal property of any nature, whether tangible or
29 intangible, and whether currently existing or contingent.

30 (b) “Default judgment” does not include a stipulated
31 judgment or any judgment pursuant to a marital
32 settlement agreement.

33 (c) “Earnings and accumulations” includes income
34 from whatever source derived, as provided in Section
35 4058.

36 (d) “Expenses” includes, but is not limited to, all
37 personal living expenses, but does not include business
38 related expenses.

39 (e) “Income and expense declaration” includes the
40 Income and Expense Declaration forms approved for use

1 by the Judicial Council, and any other financial statement
2 that is approved for use by the Judicial Council in lieu of
3 the Income and Expense Declaration, if the financial
4 statement form satisfies all other applicable criteria.

5 (f) “Liability” includes, but is not limited to, any debt
6 or obligation, whether currently existing or contingent.

7 ~~SEC. 7.~~

8 SEC. 6. Section 2103 of the Family Code is amended
9 to read:

10 2103. In order to provide full and accurate disclosure
11 of all assets and liabilities in which one or both parties may
12 have an interest, each party to a proceeding for
13 dissolution of the marriage or legal separation of the
14 parties shall serve on the other party a preliminary
15 declaration of disclosure under Section 2104 and a final
16 declaration of disclosure under Section 2105, unless
17 service of the final declaration of disclosure is waived
18 pursuant to Section 2105 or 2110, and shall file proof of
19 service of each with the court.

20 ~~SEC. 8.~~

21 SEC. 7. Section 2104 of the Family Code is amended
22 to read:

23 2104. (a) After or concurrently with service of the
24 petition for dissolution or nullity of marriage or legal
25 separation of the parties, each party shall serve on the
26 other party a preliminary declaration of disclosure,
27 executed under penalty of perjury on a form prescribed
28 by the Judicial Council. The commission of perjury on the
29 preliminary declaration of disclosure may be grounds for
30 setting aside the judgment, or any part or parts thereof,
31 pursuant to Chapter 10 (commencing with Section 2120),
32 in addition to any and all other remedies, civil or criminal,
33 that otherwise are available under law for the commission
34 of perjury.

35 (b) The preliminary declaration of disclosure shall not
36 be filed with the court, except on court order; however,
37 the parties shall file proof of service of the preliminary
38 declaration of disclosure with the court.

39 (c) The preliminary declaration of disclosure shall set
40 forth with sufficient particularity, that a person of

1 reasonable and ordinary intelligence can ascertain, all of
2 the following:

3 (1) The identity of all assets in which the declarant has
4 or may have an interest and all liabilities for which the
5 declarant is or may be liable, regardless of the
6 characterization of the asset or liability as community,
7 quasi-community, or separate.

8 (2) The declarant's percentage of ownership in each
9 asset and percentage of obligation for each liability where
10 property is not solely owned by one or both of the parties.
11 The preliminary declaration may also set forth the
12 declarant's characterization of each asset or liability.

13 (d) A declarant may amend his or her preliminary
14 declaration of disclosure without leave of the court. Proof
15 of service of any amendment shall be filed with the court.

16 (e) Along with the preliminary declaration of
17 disclosure, each party shall provide the other party with
18 a completed income and expense declaration unless an
19 income and expense declaration has already been
20 provided and is current and valid.

21 ~~SEC. 9.~~

22 *SEC. 8.* Section 2105 of the Family Code is amended
23 to read:

24 2105. (a) Except by court order for good cause or as
25 provided in subdivision (c), before or at the time the
26 parties enter into an agreement for the resolution of
27 property or support issues other than pendente lite
28 support, or, if the case goes to trial, no later than 45 days
29 before the first assigned trial date, each party, or the
30 attorney for the party in this matter, shall serve on the
31 other party a final declaration of disclosure and a current
32 income and expense declaration, executed under penalty
33 of perjury on a form prescribed by the Judicial Council.
34 The commission of perjury on the final declaration of
35 disclosure may be grounds for setting aside the judgment,
36 or any part or parts thereof, pursuant to Chapter 10
37 (commencing with Section 2120), in addition to any and
38 all other remedies, civil or criminal, that otherwise are
39 available under law for the commission of perjury.

1 (b) The final declaration of disclosure shall include all
2 of the following information:

3 (1) All material facts and information regarding the
4 characterization of all assets and liabilities.

5 (2) All material facts and information regarding the
6 valuation of all assets that are contended to be community
7 property or in which it is contended the community has
8 an interest.

9 (3) All material facts and information regarding the
10 amounts of all obligations that are contended to be
11 community obligations or for which it is contended the
12 community has liability.

13 (4) All material facts and information regarding the
14 earnings, accumulations, and expenses of each party that
15 have been set forth in the income and expense
16 declaration.

17 (c) The parties may stipulate to a mutual waiver of the
18 requirements of subdivision (a) concerning the final
19 declaration of disclosure by execution of a waiver in a
20 marital settlement agreement or by stipulated judgment
21 or a stipulation entered into in open court. The waiver
22 shall include all of the following representations:

23 (1) Both parties have complied with Section 2104 and
24 the preliminary declarations of disclosure have been
25 completed and exchanged.

26 (2) Both parties have completed and exchanged a
27 current income and expense declaration.

28 (3) The waiver is knowingly, intelligently, and
29 voluntarily entered into by each of the parties.

30 (4) Each party understands that by signing the waiver,
31 he or she may be affecting his or her ability to have the
32 judgment set aside as provided by law.

33 (d) Whether execution of a mutual waiver of the final
34 declaration of disclosure requirements pursuant to
35 subdivision (c) will affect the rights of either party to
36 have the judgment set aside or will affect the fiduciary
37 obligations of each to the other shall be decided by a court
38 based on the law and the facts of each particular case. The
39 authority to execute a mutual waiver provided by this
40 section is not intended, in and of itself, to affect the law

1 regarding the fiduciary obligations owed by the parties,
2 the parties' rights with respect to setting aside a
3 judgment, or any other rights or responsibilities of the
4 parties as provided by law.

5 (e) In making an order setting aside a judgment for
6 failure to comply with this section, the court may limit the
7 set aside to those portions of the judgment materially
8 affected by the nondisclosure.

9 (f) As to any judgment entered prior to January 1,
10 1996, the rights of any party to have any or all of the
11 judgment set aside for failure to serve and file final
12 declarations of disclosure, and the validity of any alleged
13 waiver of the disclosure requirement, shall be subject to
14 this section.

15 ~~SEC. 10.~~

16 *SEC. 9.* Section 2106 of the Family Code is amended
17 to read:

18 2106. Except as provided in subdivision (c) of Section
19 2105 or in Section 2110, absent good cause, no judgment
20 shall be entered with respect to the parties' property
21 rights without each party, or the attorney for that party
22 in this matter, having executed and served a copy of the
23 final declaration of disclosure and current income and
24 expense declaration. Each party shall execute and file
25 with the court a declaration signed under penalty of
26 perjury stating that service of the final declaration of
27 disclosure and current income and expense declaration
28 was made on the other party or that service of the final
29 declaration of disclosure has been waived pursuant to
30 subdivision (c) of Section 2105 or in Section 2110.

31 ~~SEC. 11.~~

32 *SEC. 10.* Section 2110 of the Family Code is amended
33 to read:

34 2110. In the case of a default judgment, the petitioner
35 may waive the final declaration of disclosure
36 requirements provided in this chapter, and shall not be
37 required to serve a final declaration of disclosure on the
38 respondent nor receive a final declaration of disclosure
39 from the respondent. However, a preliminary
40 declaration of disclosure by the petitioner is required.

~~SEC. 12.~~

SEC. 11. Section 2330 of the Family Code is amended to read:

2330. (a) A proceeding for dissolution of marriage or for legal separation of the parties is commenced by filing a petition entitled “In re the marriage of ____ and ____” which shall state whether it is a petition for dissolution of the marriage or for legal separation of the parties.

(b) In a proceeding for dissolution of marriage or for legal separation of the parties, the petition shall set forth among other matters, as nearly as can be ascertained, the following facts:

(1) The date of marriage.

(2) The date of separation.

(3) The number of years from marriage to separation.

(4) The number of children of the marriage, if any, and if none a statement of that fact.

(5) The age and birth date of each minor child of the marriage.

~~SEC. 13.~~

SEC. 12. Section 2330.1 of the Family Code is amended to read:

2330.1. In any proceeding for dissolution of marriage, for legal separation of the parties, or for the support of children, the petition or complaint may list children born before the marriage to the same parties and, pursuant to the terms of the Uniform Parentage Act, a determination of paternity may be made in the action. In addition, a supplemental complaint may be filed, in any of those proceedings, pursuant to Section 464 of the Code of Civil Procedure, seeking a judgment or order of paternity or support for a child of the mother and father of the child whose paternity and support are already in issue before the court. A supplemental complaint for paternity or support of children may be filed without leave of court either before or after final judgment in the underlying action. Service of the supplemental summons and complaint shall be made in the manner provided for the initial service of a summons by this code.

1 ~~SEC. 14.~~

2 *SEC. 13.* Section 2336 of the Family Code is amended
3 to read:

4 2336. (a) No judgment of dissolution or of legal
5 separation of the parties may be granted upon the default
6 of one of the parties or upon a statement or finding of fact
7 made by a referee; but the court shall, in addition to the
8 statement or finding of the referee, require proof of the
9 grounds alleged, and the proof, if not taken before the
10 court, shall be by affidavit. In all cases where there are
11 minor children of the parties, each affidavit or offer of
12 proof shall include an estimate by the declarant or affiant
13 of the monthly gross income of each party. If the
14 declarant or affiant has no knowledge of the estimated
15 monthly income of a party, the declarant or affiant shall
16 state why he or she has no knowledge. In all cases where
17 there is a community estate, each affidavit or offer of
18 proof shall include an estimate of the value of the assets
19 and the debts the declarant or affiant proposes to be
20 distributed to each party, unless the declarant or affiant
21 has filed, or concurrently files, a complete and accurate
22 property declaration with the court.

23 (b) If the proof is by affidavit, the personal appearance
24 of the affiant is required only when it appears to the court
25 that any of the following circumstances exist:

26 (1) Reconciliation of the parties is reasonably possible.

27 (2) A proposed child custody order is not in the best
28 interest of the child.

29 (3) A proposed child support order is less than a
30 noncustodial parent is capable of paying.

31 (4) A personal appearance of a party or interested
32 person would be in the best interests of justice.

33 (c) An affidavit submitted pursuant to this section
34 shall contain a stipulation by the affiant that the affiant
35 understands that proof will be by affidavit and that the
36 affiant will not appear before the court unless so ordered
37 by the court.

38 ~~SEC. 15.~~

39 *SEC. 14.* Section 2337 of the Family Code is amended
40 to read:

1 2337. (a) In a proceeding for dissolution of marriage,
2 the court, upon noticed motion, may sever and grant an
3 early and separate trial on the issue of the dissolution of
4 the status of the marriage apart from other issues.

5 (b) A preliminary declaration of disclosure with a
6 completed schedule of assets and debts shall be served on
7 the nonmoving party with the noticed motion unless it
8 has been served previously, or unless the parties stipulate
9 in writing to defer service of the preliminary declaration
10 of disclosure until a later time.

11 (c) The court may impose upon a party any of the
12 following conditions on granting a severance of the issue
13 of the dissolution of the status of the marriage, and in case
14 of that party's death, an order of any of the following
15 conditions continues to be binding upon that party's
16 estate:

17 (1) The party shall indemnify and hold the other party
18 harmless from any taxes, reassessments, interest, and
19 penalties payable by the other party if the dissolution of
20 the marriage before the division of the parties'
21 community estate results in a taxable event to either of
22 the parties by reason of the ultimate division of their
23 community estate, which taxes would not have been
24 payable if the parties were still married at the time the
25 division was made.

26 (2) Until judgment has been entered on all remaining
27 issues and has become final, the party shall maintain all
28 existing health and medical insurance coverage for the
29 other party and the minor children as named dependents,
30 so long as the party is legally able to do so. At the time the
31 party is no longer legally eligible to maintain the other
32 party as a named dependent under the existing health
33 and medical policies, the party or the party's estate shall,
34 at the party's sole expense, purchase and maintain health
35 and medical insurance coverage that is comparable to the
36 existing health and medical insurance coverage. If
37 comparable insurance coverage is not obtained, the party
38 or the party's estate is responsible for the health and
39 medical expenses incurred by the other party that would
40 have been covered by the insurance coverage, and shall

1 indemnify and hold the other party harmless from any
2 adverse consequences resulting from the lack of
3 insurance.

4 (3) Until judgment has been entered on all remaining
5 issues and has become final, the party shall indemnify and
6 hold the other party harmless from any adverse
7 consequences resulting to the other party if the
8 bifurcation results in a termination of the other party's
9 right to a probate homestead in the residence in which
10 the other party resides at the time the severance is
11 granted.

12 (4) Until judgment has been entered on all remaining
13 issues and has become final, the party shall indemnify and
14 hold the other party harmless from any adverse
15 consequences resulting to the other party if the
16 bifurcation results in the loss of the rights of the other
17 party to a probate family allowance as the surviving
18 spouse of the party.

19 (5) Until judgment has been entered on all remaining
20 issues and has become final, the party shall indemnify and
21 hold the other party harmless from any adverse
22 consequences resulting to the other party if the
23 bifurcation results in the loss of the other party's rights to
24 pension benefits, elections, or survivors' benefits under
25 the party's pension or retirement plan to the extent that
26 the other party would have been entitled to those
27 benefits or elections as the surviving spouse of the party.

28 (6) Prior to entry of judgment terminating status, both
29 of the following shall occur:

30 (A) The party's retirement or pension plan shall be
31 joined as a party to the proceeding for dissolution.

32 (B) If applicable, an order pursuant to Section 2610
33 shall be entered with reference to the defined benefit or
34 similar plan pending the ultimate resolution of the
35 distribution of benefits under the employee benefit plan.

36 (7) The party shall indemnify and hold the other party
37 harmless from any adverse consequences if the
38 bifurcation results in the loss of rights to social security
39 benefits or elections to the extent the other party would

1 have been entitled to those benefits or elections as the
2 surviving spouse of the party.

3 (8) Any other condition the court determines is just
4 and equitable.

5 (d) A judgment granting a dissolution of the status of
6 the marriage shall expressly reserve jurisdiction for later
7 determination of all other pending issues.

8 (e) If the party dies after the entry of judgment
9 granting a dissolution of marriage, any obligation
10 imposed by this section shall be enforceable against any
11 asset, including the proceeds thereof, against which these
12 obligations would have been enforceable prior to the
13 person's death.

14 ~~SEC. 16.~~

15 *SEC. 15.* Section 4055 of the Family Code is amended
16 to read:

17 4055. (a) The statewide uniform guideline for
18 determining child support orders is as follows: $CS = K$
19 $[HN - (H\%)(TN)]$.

20 (b) (1) The components of the formula are as follows:

21 (A) CS = child support amount.

22 (B) K = amount of both parents' income to be
23 allocated for child support as set forth in paragraph (3).

24 (C) HN = high earner's net monthly disposable
25 income.

26 (D) H% = approximate percentage of time that the
27 high earner has or will have primary physical
28 responsibility for the children compared to the other
29 parent. In cases in which parents have different
30 time-sharing arrangements for different children, H%
31 equals the average of the approximate percentages of
32 time the high earner parent spends with each child.

33 (E) TN = total net monthly disposable income of both
34 parties.

35 (2) To compute net disposable income, see Section
36 4059.

37 (3) K (amount of both parents' income allocated for
38 child support) equals one plus H% (if H% is less than or
39 equal to 50 percent) or two minus H% (if H% is greater
40 than 50 percent) times the following fraction:

1	Total Net Disposable	
2	Income Per Month	K
3	\$0–800	$0.20 + \text{TN}/16,000$
4	\$801–6,666	0.25
5	\$6,667–10,000	$0.10 + 1,000/\text{TN}$
6	Over \$10,000	$0.12 + 800/\text{TN}$

7
8 For example, if H% equals 20 percent and the total
9 monthly net disposable income of the parents is \$1,000, K
10 $= (1 + 0.20) \times 0.25$, or 0.30. If H% equals 80 percent and
11 the total monthly net disposable income of the parents is
12 \$1,000, K $= (2 - 0.80) \times 0.25$, or 0.30.

13 (4) For more than one child, multiply CS by:

14		
15	2 children	1.6
16	3 children	2
17	4 children	2.3
18	5 children	2.5
19	6 children	2.625
20	7 children	2.75
21	8 children	2.813
22	9 children	2.844
23	10 children	2.86

24
25 (5) If the amount calculated under the formula results
26 in a positive number, the higher earner shall pay that
27 amount to the lower earner. If the amount calculated
28 under the formula results in a negative number, the lower
29 earner shall pay the absolute value of that amount to the
30 higher earner.

31 (6) In any default proceeding where proof is by
32 affidavit pursuant to Section 2336, or in any proceeding
33 for child support in which a party fails to appear after
34 being duly noticed, H% shall be set at zero in the formula
35 if the noncustodial parent is the higher earner or at 100
36 if the custodial parent is the higher earner, where there
37 is no evidence presented demonstrating the percentage
38 of time that the noncustodial parent has primary physical
39 responsibility for the children. H% shall not be set as
40 described above if the moving party in a default

1 proceeding is the noncustodial parent or if the party who
2 fails to appear after being duly noticed is the custodial
3 parent. A statement by the party who is not in default as
4 to the percentage of time that the noncustodial parent
5 has primary physical responsibility for the children shall
6 be deemed sufficient evidence.

7 (7) In all cases in which the net disposable income per
8 month of the obligor is less than one thousand dollars
9 (\$1,000), the court shall rule on whether a low-income
10 adjustment shall be made. The ruling shall be based on
11 the facts presented to the court, the principles provided
12 in Section 4053, and the impact of the contemplated
13 adjustment on the respective net incomes of the obligor
14 and the obligee. Where the court has ruled that a
15 low-income adjustment shall be made, the child support
16 amount otherwise determined under this section shall be
17 reduced by an amount that is no greater than the amount
18 calculated by multiplying the child support amount
19 otherwise determined under this section by a fraction,
20 the numerator of which is 1,000 minus the obligor's net
21 disposable income per month, and the denominator of
22 which is 1,000. If a low-income adjustment is allowed, the
23 court shall state the reasons supporting the adjustment in
24 writing or on the record and shall document the amount
25 of the adjustment and the underlying facts and
26 circumstances.

27 (8) Unless the court orders otherwise, the order for
28 child support shall allocate the support amount so that the
29 amount of support for the youngest child is the amount
30 of support for one child, and the amount for the next
31 youngest child is the difference between that amount and
32 the amount for two children, with similar allocations for
33 additional children. However, this paragraph does not
34 apply to cases in which there are different time-sharing
35 arrangements for different children or where the court
36 determines that the allocation would be inappropriate in
37 the particular case.

38 (c) If a court uses a computer to calculate the child
39 support order, the computer program shall not
40 automatically default affirmatively or negatively on

whether a low-income adjustment is to be applied. If the low-income adjustment is applied, the computer program shall not provide the amount of the low-income adjustment. Instead, the computer program shall ask the user whether or not to apply the low-income adjustment, and if answered affirmatively, the computer program shall provide the range of the adjustment permitted by paragraph (7) of subdivision (b).

~~SEC. 17.~~

SEC. 16. Section 6203 of the Family Code is amended to read:

6203. For purposes of this act, “abuse” means any of the following:

(a) Intentionally or recklessly to cause or attempt to cause bodily injury.

(b) Sexual assault.

(c) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.

(d) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.

~~SEC. 18.~~

SEC. 17. Section 6380 of the Family Code is amended to read:

6380. (a) Each county, with the approval of the Department of Justice, shall, by July 1, 1996, develop a procedure, using existing systems, for the electronic transmission of data, as described in subdivision (b), to the Department of Justice. The data shall be electronically transmitted through the California Law Enforcement Telecommunications System (CLETS) of the Department of Justice by law enforcement personnel, or with the approval of the Department of Justice, court personnel, or another appropriate agency capable of maintaining and preserving the integrity of both the CLETS and the Domestic Violence Protective Order Registry, as described in subdivision (e). Data entry is required to be entered only once under the requirements of this section, unless the order is served at a later time. A portion of all fees payable to the Department of Justice

1 under subdivision (a) of Section 1203.097 of the Penal
2 Code for the entry of the information required under this
3 section, based upon the proportion of the costs incurred
4 by the local agency and those incurred by the
5 Department of Justice, shall be transferred to the local
6 agency actually providing the data.

7 (b) Upon the issuance of a protective order to which
8 this division applies pursuant to Section 6221, or the
9 issuance of a temporary restraining order or injunction
10 relating to harassment or domestic violence pursuant to
11 Section 527.6 or 527.8 of the Code of Civil Procedure, or
12 the issuance of a criminal court protective order under
13 subdivision (g) of Section 136.2 of the Penal Code, or the
14 issuance of a juvenile court restraining order related to
15 domestic violence pursuant to Section 213.5, 304, or 362.4
16 of the Welfare and Institutions Code, or upon registration
17 with the court clerk of a domestic violence protective
18 order issued by the court of another state, and including
19 any of the foregoing orders issued in connection with an
20 order for modification of a custody or visitation order
21 issued pursuant to a dissolution, legal separation, nullity,
22 or paternity proceeding the Department of Justice shall
23 be immediately notified of the contents of the order and
24 the following information:

25 (1) The name, race, date of birth, and other personal
26 descriptive information of the respondent as required by
27 a form prescribed by the Department of Justice.

28 (2) The names of the protected persons.

29 (3) The date of issuance of the order.

30 (4) The duration or expiration date of the order.

31 (5) The terms and conditions of the protective order,
32 including stay-away, no-contact, residency exclusion,
33 custody, and visitation provisions of the order.

34 (6) The department or division number and the
35 address of the court.

36 (7) Whether or not the order was served upon the
37 respondent.

38 All available information shall be included; however,
39 the inability to provide all categories of information shall
40 not delay the entry of the information available.

1 (c) The information conveyed to the Department of
2 Justice shall also indicate whether the respondent was
3 present in court to be informed of the contents of the
4 court order. The respondent's presence in court shall
5 provide proof of service of notice of the terms of the
6 protective order. The respondent's failure to appear shall
7 also be included in the information provided to the
8 Department of Justice.

9 (d) Immediately upon receipt of proof of service the
10 clerk of the court, and immediately after service any law
11 enforcement officer who served the protective order,
12 shall notify the Department of Justice, by electronic
13 transmission, of the service of the protective order,
14 including the name of the person who served the order
15 and, if that person is a law enforcement officer, the law
16 enforcement agency.

17 (e) The Department of Justice shall maintain a
18 Domestic Violence Protective Order Registry and shall
19 make available to court clerks and law enforcement
20 personnel, through computer access, all information
21 regarding the protective and restraining orders and
22 injunctions described in subdivision (b), whether or not
23 served upon the respondent.

24 (f) If a court issues a modification, extension, or
25 termination of a protective order, the transmitting
26 agency for the county shall immediately notify the
27 Department of Justice, by electronic transmission, of the
28 terms of the modification, extension, or termination.

29 (g) The Judicial Council shall assist local courts
30 charged with the responsibility for issuing protective
31 orders by developing informational packets describing
32 the general procedures for obtaining a domestic violence
33 restraining order and indicating the appropriate Judicial
34 Council forms, and shall include a design, that local courts
35 shall complete, that describes local court procedures and
36 maps to enable applicants to locate filing windows and
37 appropriate courts. The court clerk shall provide a fee
38 waiver form to all applicants for domestic violence
39 protective orders. The court clerk shall provide all

1 Judicial Council forms required by this chapter to
2 applicants free of charge.

3 (h) For the purposes of this part, “electronic
4 transmission” shall include computer access through the
5 California Law Enforcement Telecommunications
6 System (CLETS).

7 ~~SEC. 19.~~

8 *SEC. 17.1. Section 6380 of the Family Code is*
9 *amended to read:*

10 6380. (a) Each county, with the approval of the
11 Department of Justice, shall, by July 1, 1996, develop a
12 procedure, using existing systems, for the electronic
13 transmission of data, as described in subdivision (b), to
14 the Department of Justice. The data shall be
15 electronically transmitted through the California Law
16 Enforcement Telecommunications System (CLETS) of
17 the Department of Justice by law enforcement personnel,
18 or with the approval of the Department of Justice, court
19 personnel, or another appropriate agency capable of
20 maintaining and preserving the integrity of both the
21 CLETS and the Domestic Violence Protective Order
22 Registry, as described in subdivision (e). Data entry is
23 required to be entered only once under the requirements
24 of this section, unless the order is served at a later time.
25 A portion of all fees payable to the Department of Justice
26 under subdivision (a) of Section 1203.097 of the Penal
27 Code for the entry of the information required under this
28 section, based upon the proportion of the costs incurred
29 by the local agency and those incurred by the
30 Department of Justice, shall be transferred to the local
31 agency actually providing the data. *All data with respect*
32 *to criminal court protective orders issued under*
33 *subdivision (g) of Section 136.2 of the Penal Code shall be*
34 *transmitted by the court or its designee within one*
35 *business day to law enforcement personnel by either one*
36 *of the following methods:*

37 (1) *Transmitting a physical copy of the order to a local*
38 *law enforcement agency authorized by the Department*
39 *of Justice to enter orders into CLETS.*

1 (2) *With the approval of the Department of Justice,*
2 *entering the order into CLETS directly.*

3 (b) Upon the issuance of a protective order to which
4 this division applies pursuant to Section 6221, or the
5 issuance of a temporary restraining order or injunction
6 relating to *harassment or* domestic violence pursuant to
7 Section 527.6 *or* 527.8 of the Code of Civil Procedure, or
8 the issuance of a criminal court protective order under
9 subdivision (g) of Section 136.2 of the Penal Code, or the
10 issuance of a juvenile court restraining order related to
11 domestic violence pursuant to Section 213.5, 304, or 362.4
12 of the Welfare and Institutions Code, or upon registration
13 with the court clerk of a domestic violence protective
14 order issued by the court of another state, and including
15 any of the foregoing orders issued in connection with an
16 order for modification of a custody or visitation order
17 issued pursuant to a dissolution, legal separation, nullity,
18 or paternity proceeding the Department of Justice shall
19 be immediately notified of the contents of the order and
20 the following information:

21 (1) The name, race, date of birth, and other personal
22 descriptive information of the respondent as required by
23 a form prescribed by the Department of Justice.

24 (2) The names of the protected persons.

25 (3) The date of issuance of the order.

26 (4) The duration or expiration date of the order.

27 (5) The terms and conditions of the protective order,
28 including stay-away, no-contact, residency exclusion,
29 custody, and visitation provisions of the order.

30 (6) The department or division number and the
31 address of the court.

32 (7) Whether or not the order was served upon the
33 respondent.

34 All available information shall be included; however,
35 the inability to provide all categories of information shall
36 not delay the entry of the information available.

37 (c) The information conveyed to the Department of
38 Justice shall also indicate whether the respondent was
39 present in court to be informed of the contents of the
40 court order. The respondent's presence in court shall

1 provide proof of service of notice of the terms of the
2 protective order. The respondent's failure to appear shall
3 also be included in the information provided to the
4 Department of Justice.

5 (d) Immediately upon receipt of proof of service the
6 clerk of the court, and immediately after service any law
7 enforcement officer who served the protective order,
8 shall notify the Department of Justice, by electronic
9 transmission, of the service of the protective order,
10 including the name of the person who served the order
11 and, if that person is a law enforcement officer, the law
12 enforcement agency.

13 (e) The Department of Justice shall maintain a
14 Domestic Violence Protective Order Registry and shall
15 make available to court clerks and law enforcement
16 personnel, through computer access, all information
17 regarding the protective and restraining orders and
18 injunctions described in subdivision (b), whether or not
19 served upon the respondent.

20 (f) If a court issues a modification, extension, or
21 termination of a protective order, the transmitting
22 agency for the county shall immediately notify the
23 Department of Justice, by electronic transmission, of the
24 terms of the modification, extension, or termination.

25 (g) The Judicial Council shall assist local courts
26 charged with the responsibility for issuing protective
27 orders by developing informational packets describing
28 the general procedures for obtaining a domestic violence
29 restraining order and indicating the appropriate Judicial
30 Council forms, and shall include a design, ~~which~~ *that* local
31 courts shall complete, that describes local court
32 procedures and maps to enable applicants to locate filing
33 windows and appropriate courts. The court clerk shall
34 provide a fee waiver form to all applicants for domestic
35 violence protective orders. The court clerk shall provide
36 all Judicial Council forms required by this chapter to
37 applicants free of charge.

38 (h) For the purposes of this part, "electronic
39 transmission" shall include computer access through the

1 California Law Enforcement Telecommunications
2 System (CLETS).

3 *SEC. 17.2. Section 6380 of the Family Code is*
4 *amended to read:*

5 6380. (a) Each county, with the approval of the
6 Department of Justice, shall, by July 1, 1996, develop a
7 procedure, using existing systems, for the electronic
8 transmission of data, as described in subdivision (b), to
9 the Department of Justice. The data shall be
10 electronically transmitted through the California Law
11 Enforcement Telecommunications System (CLETS) of
12 the Department of Justice by law enforcement personnel,
13 or with the approval of the Department of Justice, court
14 personnel, or another appropriate agency capable of
15 maintaining and preserving the integrity of both the
16 CLETS and the Domestic Violence Protective Order
17 Registry, as described in subdivision (e). Data entry is
18 required to be entered only once under the requirements
19 of this section, unless the order is served at a later time.
20 A portion of all fees payable to the Department of Justice
21 under subdivision (a) of Section 1203.097 of the Penal
22 Code for the entry of the information required under this
23 section, based upon the proportion of the costs incurred
24 by the local agency and those incurred by the
25 Department of Justice, shall be transferred to the local
26 agency actually providing the data.

27 (b) Upon the issuance of a protective order to which
28 this division applies pursuant to Section 6221, or the
29 issuance of a temporary restraining order or injunction
30 relating to *harassment or* domestic violence pursuant to
31 Section 527.6 *or* 527.8 of the Code of Civil Procedure, or
32 the issuance of a criminal court protective order under
33 subdivision (g) of Section 136.2 of the Penal Code, or the
34 issuance of a juvenile court restraining order related to
35 domestic violence pursuant to Section 213.5, 304, or 362.4
36 of the Welfare and Institutions Code, or upon registration
37 with the court clerk of a domestic violence protective
38 order issued by the court of another state, *tribe, or*
39 *territory*, and including any of the foregoing orders issued
40 in connection with an order for modification of a custody

1 or visitation order issued pursuant to a dissolution, legal
2 separation, nullity, or paternity proceeding the
3 Department of Justice shall be immediately notified of
4 the contents of the order and the following information:

5 (1) The name, race, date of birth, and other personal
6 descriptive information of the respondent as required by
7 a form prescribed by the Department of Justice.

8 (2) The names of the protected persons.

9 (3) The date of issuance of the order.

10 (4) The duration or expiration date of the order.

11 (5) The terms and conditions of the protective order,
12 including stay-away, no-contact, residency exclusion,
13 custody, and visitation provisions of the order.

14 (6) The department or division number and the
15 address of the court.

16 (7) Whether or not the order was served upon the
17 respondent.

18 All available information shall be included; however,
19 the inability to provide all categories of information shall
20 not delay the entry of the information available.

21 (c) The information conveyed to the Department of
22 Justice shall also indicate whether the respondent was
23 present in court to be informed of the contents of the
24 court order. The respondent's presence in court shall
25 provide proof of service of notice of the terms of the
26 protective order. The respondent's failure to appear shall
27 also be included in the information provided to the
28 Department of Justice.

29 (d) Immediately upon receipt of proof of service the
30 clerk of the court, and immediately after service any law
31 enforcement officer who served the protective order,
32 shall notify the Department of Justice, by electronic
33 transmission, of the service of the protective order,
34 including the name of the person who served the order
35 and, if that person is a law enforcement officer, the law
36 enforcement agency.

37 (e) The Department of Justice shall maintain a
38 Domestic Violence Protective Order Registry and shall
39 make available to court clerks and law enforcement
40 personnel, through computer access, all information

1 regarding the protective and restraining orders and
2 injunctions described in subdivision (b), whether or not
3 served upon the respondent.

4 (f) If a court issues a modification, extension, or
5 termination of a protective order, the transmitting
6 agency for the county shall immediately notify the
7 Department of Justice, by electronic transmission, of the
8 terms of the modification, extension, or termination.

9 (g) The Judicial Council shall assist local courts
10 charged with the responsibility for issuing protective
11 orders by developing informational packets describing
12 the general procedures for obtaining a domestic violence
13 restraining order and indicating the appropriate Judicial
14 Council forms, and shall include a design, ~~which~~ *that* local
15 courts shall complete, that describes local court
16 procedures and maps to enable applicants to locate filing
17 windows and appropriate courts. The court clerk shall
18 provide a fee waiver form to all applicants for domestic
19 violence protective orders. The court clerk shall provide
20 all Judicial Council forms required by this chapter to
21 applicants free of charge. *The informational packet shall*
22 *also contain a statement that the protective order is*
23 *enforceable in any state, territory, or reservation, and*
24 *general information about agencies in other jurisdictions*
25 *that may be contacted regarding enforcement of an order*
26 *issued by a court of this state.*

27 (h) For the purposes of this part, “electronic
28 transmission” shall include computer access through the
29 California Law Enforcement Telecommunications
30 System (CLETS).

31 *SEC. 17.3. Section 6380 of the Family Code is*
32 *amended to read:*

33 6380. (a) Each county, with the approval of the
34 Department of Justice, shall, by July 1, 1996, develop a
35 procedure, using existing systems, for the electronic
36 transmission of data, as described in subdivision (b), to
37 the Department of Justice. The data shall be
38 electronically transmitted through the California Law
39 Enforcement Telecommunications System (CLETS) of
40 the Department of Justice by law enforcement personnel,

1 or with the approval of the Department of Justice, court
2 personnel, or another appropriate agency capable of
3 maintaining and preserving the integrity of both the
4 CLETS and the Domestic Violence Protective Order
5 Registry, as described in subdivision (e). Data entry is
6 required to be entered only once under the requirements
7 of this section, unless the order is served at a later time.
8 A portion of all fees payable to the Department of Justice
9 under subdivision (a) of Section 1203.097 of the Penal
10 Code for the entry of the information required under this
11 section, based upon the proportion of the costs incurred
12 by the local agency and those incurred by the
13 Department of Justice, shall be transferred to the local
14 agency actually providing the data.

15 (b) Upon the issuance of a protective order to which
16 this division applies pursuant to Section 6221, or the
17 issuance of a temporary restraining order or injunction
18 relating to *harassment or* domestic violence pursuant to
19 Section 527.6 *or* 527.8 of the Code of Civil Procedure, or
20 the issuance of a criminal court protective order under
21 subdivision (g) of Section 136.2 of the Penal Code, or the
22 issuance of a juvenile court restraining order related to
23 domestic violence pursuant to Section 213.5, 304, or 362.4
24 of the Welfare and Institutions Code, or upon registration
25 with the court clerk of a domestic violence protective
26 order issued by the court of another state, and including
27 any of the foregoing orders issued in connection with an
28 order for modification of a custody or visitation order
29 issued pursuant to a dissolution, legal separation, nullity,
30 or paternity proceeding the Department of Justice shall
31 be immediately notified of the contents of the order and
32 the following information:

33 (1) The name, race, date of birth, and other personal
34 descriptive information of the respondent as required by
35 a form prescribed by the Department of Justice.

36 (2) The names of the protected persons.

37 (3) The date of issuance of the order.

38 (4) The duration or expiration date of the order.

1 (5) The terms and conditions of the protective order,
2 including stay-away, no-contact, residency exclusion,
3 custody, and visitation provisions of the order.

4 (6) The department or division number and the
5 address of the court.

6 (7) Whether or not the order was served upon the
7 respondent.

8 (8) *The terms and conditions of any restrictions on the*
9 *ownership or possession of firearms.*

10 All available information shall be included; however,
11 the inability to provide all categories of information shall
12 not delay the entry of the information available.

13 (c) The information conveyed to the Department of
14 Justice shall also indicate whether the respondent was
15 present in court to be informed of the contents of the
16 court order. The respondent's presence in court shall
17 provide proof of service of notice of the terms of the
18 protective order. The respondent's failure to appear shall
19 also be included in the information provided to the
20 Department of Justice.

21 (d) Immediately upon receipt of proof of service the
22 clerk of the court, and immediately after service any law
23 enforcement officer who served the protective order,
24 shall notify the Department of Justice, by electronic
25 transmission, of the service of the protective order,
26 including the name of the person who served the order
27 and, if that person is a law enforcement officer, the law
28 enforcement agency.

29 (e) The Department of Justice shall maintain a
30 Domestic Violence Protective Order Registry and shall
31 make available to court clerks and law enforcement
32 personnel, through computer access, all information
33 regarding the protective and restraining orders and
34 injunctions described in subdivision (b), whether or not
35 served upon the respondent.

36 (f) If a court issues a modification, extension, or
37 termination of a protective order, the transmitting
38 agency for the county shall immediately notify the
39 Department of Justice, by electronic transmission, of the
40 terms of the modification, extension, or termination.

1 (g) The Judicial Council shall assist local courts
2 charged with the responsibility for issuing protective
3 orders by developing informational packets describing
4 the general procedures for obtaining a domestic violence
5 restraining order and indicating the appropriate Judicial
6 Council forms, and shall include a design, ~~which~~ *that* local
7 courts shall complete, that describes local court
8 procedures and maps to enable applicants to locate filing
9 windows and appropriate courts. The court clerk shall
10 provide a fee waiver form to all applicants for domestic
11 violence protective orders. The court clerk shall provide
12 all Judicial Council forms required by this chapter to
13 applicants free of charge.

14 (h) For the purposes of this part, “electronic
15 transmission” shall include computer access through the
16 California Law Enforcement Telecommunications
17 System (CLETS).

18 *SEC. 17.4. Section 6380 of the Family Code is*
19 *amended to read:*

20 6380. (a) Each county, with the approval of the
21 Department of Justice, shall, by July 1, 1996, develop a
22 procedure, using existing systems, for the electronic
23 transmission of data, as described in subdivision (b), to
24 the Department of Justice. The data shall be
25 electronically transmitted through the California Law
26 Enforcement Telecommunications System (CLETS) of
27 the Department of Justice by law enforcement personnel,
28 or with the approval of the Department of Justice, court
29 personnel, or another appropriate agency capable of
30 maintaining and preserving the integrity of both the
31 CLETS and the Domestic Violence Protective Order
32 Registry, as described in subdivision (e). Data entry is
33 required to be entered only once under the requirements
34 of this section, unless the order is served at a later time.
35 A portion of all fees payable to the Department of Justice
36 under subdivision (a) of Section 1203.097 of the Penal
37 Code for the entry of the information required under this
38 section, based upon the proportion of the costs incurred
39 by the local agency and those incurred by the
40 Department of Justice, shall be transferred to the local

1 agency actually providing the data. *All data with respect*
2 *to criminal court protective orders issued under*
3 *subdivision (g) of Section 136.2 of the Penal Code shall be*
4 *transmitted by the court or its designee within one*
5 *business day to law enforcement personnel by either one*
6 *of the following methods:*

7 (1) *Transmitting a physical copy of the order to a local*
8 *law enforcement agency authorized by the Department*
9 *of Justice to enter orders into CLETS.*

10 (2) *With the approval of the Department of Justice,*
11 *entering the order into CLETS directly.*

12 (b) Upon the issuance of a protective order to which
13 this division applies pursuant to Section 6221, or the
14 issuance of a temporary restraining order or injunction
15 relating to *harassment or domestic violence* pursuant to
16 Section 527.6 or 527.8 of the Code of Civil Procedure, or
17 the issuance of a criminal court protective order under
18 subdivision (g) of Section 136.2 of the Penal Code, or the
19 issuance of a juvenile court restraining order related to
20 domestic violence pursuant to Section 213.5, 304, or 362.4
21 of the Welfare and Institutions Code, or upon registration
22 with the court clerk of a domestic violence protective
23 order issued by the court of another state, *tribe, or*
24 *territory*, and including any of the foregoing orders issued
25 in connection with an order for modification of a custody
26 or visitation order issued pursuant to a dissolution, legal
27 separation, nullity, or paternity proceeding the
28 Department of Justice shall be immediately notified of
29 the contents of the order and the following information:

30 (1) The name, race, date of birth, and other personal
31 descriptive information of the respondent as required by
32 a form prescribed by the Department of Justice.

33 (2) The names of the protected persons.

34 (3) The date of issuance of the order.

35 (4) The duration or expiration date of the order.

36 (5) The terms and conditions of the protective order,
37 including stay-away, no-contact, residency exclusion,
38 custody, and visitation provisions of the order.

39 (6) The department or division number and the
40 address of the court.

1 (7) Whether or not the order was served upon the
2 respondent.

3 All available information shall be included; however,
4 the inability to provide all categories of information shall
5 not delay the entry of the information available.

6 (c) The information conveyed to the Department of
7 Justice shall also indicate whether the respondent was
8 present in court to be informed of the contents of the
9 court order. The respondent's presence in court shall
10 provide proof of service of notice of the terms of the
11 protective order. The respondent's failure to appear shall
12 also be included in the information provided to the
13 Department of Justice.

14 (d) Immediately upon receipt of proof of service the
15 clerk of the court, and immediately after service any law
16 enforcement officer who served the protective order,
17 shall notify the Department of Justice, by electronic
18 transmission, of the service of the protective order,
19 including the name of the person who served the order
20 and, if that person is a law enforcement officer, the law
21 enforcement agency.

22 (e) The Department of Justice shall maintain a
23 Domestic Violence Protective Order Registry and shall
24 make available to court clerks and law enforcement
25 personnel, through computer access, all information
26 regarding the protective and restraining orders and
27 injunctions described in subdivision (b), whether or not
28 served upon the respondent.

29 (f) If a court issues a modification, extension, or
30 termination of a protective order, the transmitting
31 agency for the county shall immediately notify the
32 Department of Justice, by electronic transmission, of the
33 terms of the modification, extension, or termination.

34 (g) The Judicial Council shall assist local courts
35 charged with the responsibility for issuing protective
36 orders by developing informational packets describing
37 the general procedures for obtaining a domestic violence
38 restraining order and indicating the appropriate Judicial
39 Council forms, and shall include a design, ~~which~~ *that* local
40 courts shall complete, that describes local court

1 procedures and maps to enable applicants to locate filing
2 windows and appropriate courts. The court clerk shall
3 provide a fee waiver form to all applicants for domestic
4 violence protective orders. The court clerk shall provide
5 all Judicial Council forms required by this chapter to
6 applicants free of charge. *The informational packet shall*
7 *also contain a statement that the protective order is*
8 *enforceable in any state, territory, or reservation, and*
9 *general information about agencies in other jurisdictions*
10 *that may be contacted regarding enforcement of an order*
11 *issued by a court of this state.*

12 (h) For the purposes of this part, “electronic
13 transmission” shall include computer access through the
14 California Law Enforcement Telecommunications
15 System (CLETS).

16 *SEC. 17.5. Section 6380 of the Family Code is*
17 *amended to read:*

18 6380. (a) Each county, with the approval of the
19 Department of Justice, shall, by July 1, 1996, develop a
20 procedure, using existing systems, for the electronic
21 transmission of data, as described in subdivision (b), to
22 the Department of Justice. The data shall be
23 electronically transmitted through the California Law
24 Enforcement Telecommunications System (CLETS) of
25 the Department of Justice by law enforcement personnel,
26 or with the approval of the Department of Justice, court
27 personnel, or another appropriate agency capable of
28 maintaining and preserving the integrity of both the
29 CLETS and the Domestic Violence Protective Order
30 Registry, as described in subdivision (e). Data entry is
31 required to be entered only once under the requirements
32 of this section, unless the order is served at a later time.
33 A portion of all fees payable to the Department of Justice
34 under subdivision (a) of Section 1203.097 of the Penal
35 Code for the entry of the information required under this
36 section, based upon the proportion of the costs incurred
37 by the local agency and those incurred by the
38 Department of Justice, shall be transferred to the local
39 agency actually providing the data.

(b) Upon the issuance of a protective order to which this division applies pursuant to Section 6221, or the issuance of a temporary restraining order or injunction relating to *harassment or* domestic violence pursuant to Section 527.6 *or* 527.8 of the Code of Civil Procedure, or the issuance of a criminal court protective order under subdivision (g) of Section 136.2 of the Penal Code, or the issuance of a juvenile court restraining order related to domestic violence pursuant to Section 213.5, 304, or 362.4 of the Welfare and Institutions Code, or upon registration with the court clerk of a domestic violence protective order issued by the court of another state, *tribe, or territory*, and including any of the foregoing orders issued in connection with an order for modification of a custody or visitation order issued pursuant to a dissolution, legal separation, nullity, or paternity proceeding the Department of Justice shall be immediately notified of the contents of the order and the following information:

(1) The name, race, date of birth, and other personal descriptive information of the respondent as required by a form prescribed by the Department of Justice.

(2) The names of the protected persons.

(3) The date of issuance of the order.

(4) The duration or expiration date of the order.

(5) The terms and conditions of the protective order, including stay-away, no-contact, residency exclusion, custody, and visitation provisions of the order.

(6) The department or division number and the address of the court.

(7) Whether or not the order was served upon the respondent.

(8) *The terms and conditions of any restrictions on the ownership or possession of firearms.*

All available information shall be included; however, the inability to provide all categories of information shall not delay the entry of the information available.

(c) The information conveyed to the Department of Justice shall also indicate whether the respondent was present in court to be informed of the contents of the court order. The respondent's presence in court shall

1 provide proof of service of notice of the terms of the
2 protective order. The respondent's failure to appear shall
3 also be included in the information provided to the
4 Department of Justice.

5 (d) Immediately upon receipt of proof of service the
6 clerk of the court, and immediately after service any law
7 enforcement officer who served the protective order,
8 shall notify the Department of Justice, by electronic
9 transmission, of the service of the protective order,
10 including the name of the person who served the order
11 and, if that person is a law enforcement officer, the law
12 enforcement agency.

13 (e) The Department of Justice shall maintain a
14 Domestic Violence Protective Order Registry and shall
15 make available to court clerks and law enforcement
16 personnel, through computer access, all information
17 regarding the protective and restraining orders and
18 injunctions described in subdivision (b), whether or not
19 served upon the respondent.

20 (f) If a court issues a modification, extension, or
21 termination of a protective order, the transmitting
22 agency for the county shall immediately notify the
23 Department of Justice, by electronic transmission, of the
24 terms of the modification, extension, or termination.

25 (g) The Judicial Council shall assist local courts
26 charged with the responsibility for issuing protective
27 orders by developing informational packets describing
28 the general procedures for obtaining a domestic violence
29 restraining order and indicating the appropriate Judicial
30 Council forms, and shall include a design, ~~which~~ *that* local
31 courts shall complete, that describes local court
32 procedures and maps to enable applicants to locate filing
33 windows and appropriate courts. The court clerk shall
34 provide a fee waiver form to all applicants for domestic
35 violence protective orders. The court clerk shall provide
36 all Judicial Council forms required by this chapter to
37 applicants free of charge. *The informational packet shall*
38 *also contain a statement that the protective order is*
39 *enforceable in any state, territory, or reservation, and*
40 *general information about agencies in other jurisdictions*

1 *that may be contacted regarding enforcement of an order*
2 *issued by a court of this state.*

3 (h) For the purposes of this part, “electronic
4 transmission” shall include computer access through the
5 California Law Enforcement Telecommunications
6 System (CLETS).

7 *SEC. 17.6. Section 6380 of the Family Code is*
8 *amended to read:*

9 6380. (a) Each county, with the approval of the
10 Department of Justice, shall, by July 1, 1996, develop a
11 procedure, using existing systems, for the electronic
12 transmission of data, as described in subdivision (b), to
13 the Department of Justice. The data shall be
14 electronically transmitted through the California Law
15 Enforcement Telecommunications System (CLETS) of
16 the Department of Justice by law enforcement personnel,
17 or with the approval of the Department of Justice, court
18 personnel, or another appropriate agency capable of
19 maintaining and preserving the integrity of both the
20 CLETS and the Domestic Violence Protective Order
21 Registry, as described in subdivision (e). Data entry is
22 required to be entered only once under the requirements
23 of this section, unless the order is served at a later time.
24 A portion of all fees payable to the Department of Justice
25 under subdivision (a) of Section 1203.097 of the Penal
26 Code for the entry of the information required under this
27 section, based upon the proportion of the costs incurred
28 by the local agency and those incurred by the
29 Department of Justice, shall be transferred to the local
30 agency actually providing the data. *All data with respect*
31 *to criminal court protective orders issued under*
32 *subdivision (g) of Section 136.2 of the Penal Code shall be*
33 *transmitted by the court or its designee within one*
34 *business day to law enforcement personnel by either one*
35 *of the following methods:*

36 (1) *Transmitting a physical copy of the order to a local*
37 *law enforcement agency authorized by the Department*
38 *of Justice to enter orders into CLETS.*

39 (2) *With the approval of the Department of Justice,*
40 *entering the order into CLETS directly.*

1 (b) Upon the issuance of a protective order to which
2 this division applies pursuant to Section 6221, or the
3 issuance of a temporary restraining order or injunction
4 relating to *harassment or* domestic violence pursuant to
5 Section 527.6 *or* 527.8 of the Code of Civil Procedure, or
6 the issuance of a criminal court protective order under
7 subdivision (g) of Section 136.2 of the Penal Code, or the
8 issuance of a juvenile court restraining order related to
9 domestic violence pursuant to Section 213.5, 304, or 362.4
10 of the Welfare and Institutions Code, or upon registration
11 with the court clerk of a domestic violence protective
12 order issued by the court of another state, and including
13 any of the foregoing orders issued in connection with an
14 order for modification of a custody or visitation order
15 issued pursuant to a dissolution, legal separation, nullity,
16 or paternity proceeding the Department of Justice shall
17 be immediately notified of the contents of the order and
18 the following information:

19 (1) The name, race, date of birth, and other personal
20 descriptive information of the respondent as required by
21 a form prescribed by the Department of Justice.

22 (2) The names of the protected persons.

23 (3) The date of issuance of the order.

24 (4) The duration or expiration date of the order.

25 (5) The terms and conditions of the protective order,
26 including stay-away, no-contact, residency exclusion,
27 custody, and visitation provisions of the order.

28 (6) The department or division number and the
29 address of the court.

30 (7) Whether or not the order was served upon the
31 respondent.

32 (8) *The terms and conditions of any restrictions on the*
33 *ownership or possession of firearms.*

34 All available information shall be included; however,
35 the inability to provide all categories of information shall
36 not delay the entry of the information available.

37 (c) The information conveyed to the Department of
38 Justice shall also indicate whether the respondent was
39 present in court to be informed of the contents of the
40 court order. The respondent's presence in court shall

1 provide proof of service of notice of the terms of the
2 protective order. The respondent's failure to appear shall
3 also be included in the information provided to the
4 Department of Justice.

5 (d) Immediately upon receipt of proof of service the
6 clerk of the court, and immediately after service any law
7 enforcement officer who served the protective order,
8 shall notify the Department of Justice, by electronic
9 transmission, of the service of the protective order,
10 including the name of the person who served the order
11 and, if that person is a law enforcement officer, the law
12 enforcement agency.

13 (e) The Department of Justice shall maintain a
14 Domestic Violence Protective Order Registry and shall
15 make available to court clerks and law enforcement
16 personnel, through computer access, all information
17 regarding the protective and restraining orders and
18 injunctions described in subdivision (b), whether or not
19 served upon the respondent.

20 (f) If a court issues a modification, extension, or
21 termination of a protective order, the transmitting
22 agency for the county shall immediately notify the
23 Department of Justice, by electronic transmission, of the
24 terms of the modification, extension, or termination.

25 (g) The Judicial Council shall assist local courts
26 charged with the responsibility for issuing protective
27 orders by developing informational packets describing
28 the general procedures for obtaining a domestic violence
29 restraining order and indicating the appropriate Judicial
30 Council forms, and shall include a design, ~~which~~ *that* local
31 courts shall complete, that describes local court
32 procedures and maps to enable applicants to locate filing
33 windows and appropriate courts. The court clerk shall
34 provide a fee waiver form to all applicants for domestic
35 violence protective orders. The court clerk shall provide
36 all Judicial Council forms required by this chapter to
37 applicants free of charge.

38 (h) For the purposes of this part, "electronic
39 transmission" shall include computer access through the

1 California Law Enforcement Telecommunications
2 System (CLETS).

3 *SEC. 17.7. Section 6380 of the Family Code is*
4 *amended to read:*

5 6380. (a) Each county, with the approval of the
6 Department of Justice, shall, by July 1, 1996, develop a
7 procedure, using existing systems, for the electronic
8 transmission of data, as described in subdivision (b), to
9 the Department of Justice. The data shall be
10 electronically transmitted through the California Law
11 Enforcement Telecommunications System (CLETS) of
12 the Department of Justice by law enforcement personnel,
13 or with the approval of the Department of Justice, court
14 personnel, or another appropriate agency capable of
15 maintaining and preserving the integrity of both the
16 CLETS and the Domestic Violence Protective Order
17 Registry, as described in subdivision (e). Data entry is
18 required to be entered only once under the requirements
19 of this section, unless the order is served at a later time.
20 A portion of all fees payable to the Department of Justice
21 under subdivision (a) of Section 1203.097 of the Penal
22 Code for the entry of the information required under this
23 section, based upon the proportion of the costs incurred
24 by the local agency and those incurred by the
25 Department of Justice, shall be transferred to the local
26 agency actually providing the data. *All data with respect*
27 *to criminal court protective orders issued under*
28 *subdivision (g) of Section 136.2 of the Penal Code shall be*
29 *transmitted by the court or its designee within one*
30 *business day to law enforcement personnel by either one*
31 *of the following methods:*

32 (1) *Transmitting a physical copy of the order to a local*
33 *law enforcement agency authorized by the Department*
34 *of Justice to enter orders into CLETS.*

35 (2) *With the approval of the Department of Justice,*
36 *entering the order into CLETS directly.*

37 (b) Upon the issuance of a protective order to which
38 this division applies pursuant to Section 6221, or the
39 issuance of a temporary restraining order or injunction
40 relating to *harassment or domestic violence* pursuant to

1 Section 527.6 or 527.8 of the Code of Civil Procedure, or
2 the issuance of a criminal court protective order under
3 subdivision (g) of Section 136.2 of the Penal Code, or the
4 issuance of a juvenile court restraining order related to
5 domestic violence pursuant to Section 213.5, 304, or 362.4
6 of the Welfare and Institutions Code, or upon registration
7 with the court clerk of a domestic violence protective
8 order issued by the court of another state, *tribe, or*
9 *territory*, and including any of the foregoing orders issued
10 in connection with an order for modification of a custody
11 or visitation order issued pursuant to a dissolution, legal
12 separation, nullity, or paternity proceeding the
13 Department of Justice shall be immediately notified of
14 the contents of the order and the following information:

15 (1) The name, race, date of birth, and other personal
16 descriptive information of the respondent as required by
17 a form prescribed by the Department of Justice.

18 (2) The names of the protected persons.

19 (3) The date of issuance of the order.

20 (4) The duration or expiration date of the order.

21 (5) The terms and conditions of the protective order,
22 including stay-away, no-contact, residency exclusion,
23 custody, and visitation provisions of the order.

24 (6) The department or division number and the
25 address of the court.

26 (7) Whether or not the order was served upon the
27 respondent.

28 (8) *The terms and conditions of any restrictions on the*
29 *ownership or possession of firearms.*

30 All available information shall be included; however,
31 the inability to provide all categories of information shall
32 not delay the entry of the information available.

33 (c) The information conveyed to the Department of
34 Justice shall also indicate whether the respondent was
35 present in court to be informed of the contents of the
36 court order. The respondent's presence in court shall
37 provide proof of service of notice of the terms of the
38 protective order. The respondent's failure to appear shall
39 also be included in the information provided to the
40 Department of Justice.

(d) Immediately upon receipt of proof of service the clerk of the court, and immediately after service any law enforcement officer who served the protective order, shall notify the Department of Justice, by electronic transmission, of the service of the protective order, including the name of the person who served the order and, if that person is a law enforcement officer, the law enforcement agency.

(e) The Department of Justice shall maintain a Domestic Violence Protective Order Registry and shall make available to court clerks and law enforcement personnel, through computer access, all information regarding the protective and restraining orders and injunctions described in subdivision (b), whether or not served upon the respondent.

(f) If a court issues a modification, extension, or termination of a protective order, the transmitting agency for the county shall immediately notify the Department of Justice, by electronic transmission, of the terms of the modification, extension, or termination.

(g) The Judicial Council shall assist local courts charged with the responsibility for issuing protective orders by developing informational packets describing the general procedures for obtaining a domestic violence restraining order and indicating the appropriate Judicial Council forms, and shall include a design, ~~which~~ *that* local courts shall complete, that describes local court procedures and maps to enable applicants to locate filing windows and appropriate courts. The court clerk shall provide a fee waiver form to all applicants for domestic violence protective orders. The court clerk shall provide all Judicial Council forms required by this chapter to applicants free of charge. *The informational packet shall also contain a statement that the protective order is enforceable in any state, territory, or reservation, and general information about agencies in other jurisdictions that may be contacted regarding enforcement of an order issued by a court of this state.*

(h) For the purposes of this part, “electronic transmission” shall include computer access through the

1 California Law Enforcement Telecommunications
2 System (CLETS).

3 *SEC. 18.* Section 7541 of the Family Code is amended
4 to read:

5 7541. (a) Notwithstanding Section 7540, if the court
6 finds that the conclusions of all the experts, as disclosed
7 by the evidence based on blood tests performed pursuant
8 to Chapter 2 (commencing with Section 7550), are that
9 the husband is not the father of the child, the question of
10 paternity of the husband shall be resolved accordingly.

11 (b) The notice of motion for blood tests under this
12 section may be filed not later than two years from the
13 child's date of birth by the husband, or for the purposes
14 of establishing paternity by the presumed father or the
15 child through or by the child's guardian ad litem. As used
16 in this subdivision, "presumed father" has the meaning
17 given in Sections 7611 and 7612.

18 (c) The notice of motion for blood tests under this
19 section may be filed by the mother of the child not later
20 than two years from the child's date of birth if the child's
21 biological father has filed an affidavit with the court
22 acknowledging paternity of the child.

23 (d) The notice of motion for blood tests pursuant to
24 this section shall be supported by a declaration under oath
25 submitted by the moving party stating the factual basis
26 for placing the issue of paternity before the court.

27 (e) Subdivision (a) does not apply, and blood tests may
28 not be used to challenge paternity, in any of the following
29 cases:

30 (1) A case that reached final judgment of paternity on
31 or before September 30, 1980.

32 (2) A case coming within Section 7613.

33 (3) A case in which the wife, with the consent of the
34 husband, conceived by means of a surgical procedure.

35 ~~SEC. 20.~~

36 *SEC. 19.* Section 810 of the Probate Code is amended
37 to read:

38 810. The Legislature finds and declares the following:

39 (a) For purposes of this part, there shall exist a
40 rebuttable presumption affecting the burden of proof

1 that all persons have the capacity to make decisions and
2 to be responsible for their acts or decisions.

3 (b) A person who has a mental or physical disorder
4 may still be capable of contracting, conveying, marrying,
5 making medical decisions, executing wills or trusts, and
6 performing other actions.

7 (c) A judicial determination that a person is totally
8 without understanding, or is of unsound mind, or suffers
9 from one or more mental deficits so substantial that,
10 under the circumstances, the person should be deemed
11 to lack the legal capacity to perform a specific act, should
12 be based on evidence of a deficit in one or more of the
13 person's mental functions rather than on a diagnosis of a
14 person's mental or physical disorder.

15 ~~SEC. 21.~~

16 *SEC. 20.* Section 811 of the Probate Code is amended
17 to read:

18 811. (a) A determination that a person is of unsound
19 mind or lacks the capacity to make a decision or do a
20 certain act, including, but not limited to, the incapacity
21 to contract, to make a conveyance, to marry, to make
22 medical decisions, to execute wills, or to execute trusts,
23 shall be supported by evidence of a deficit in at least one
24 of the following mental functions, subject to subdivision
25 (b), and evidence of a correlation between the deficit or
26 deficits and the decision or acts in question:

27 (1) Alertness and attention, including, but not limited
28 to, the following:

29 (A) Level of arousal or consciousness.

30 (B) Orientation to time, place, person, and situation.

31 (C) Ability to attend and concentrate.

32 (2) Information processing, including, but not limited
33 to, the following:

34 (A) Short- and long-term memory, including
35 immediate recall.

36 (B) Ability to understand or communicate with
37 others, either verbally or otherwise.

38 (C) Recognition of familiar objects and familiar
39 persons.

40 (D) Ability to understand and appreciate quantities.

1 (E) Ability to reason using abstract concepts.

2 (F) Ability to plan, organize, and carry out actions in
3 one's own rational self-interest.

4 (G) Ability to reason logically.

5 (3) Thought processes. Deficits in these functions may
6 be demonstrated by the presence of the following:

7 (A) Severely disorganized thinking.

8 (B) Hallucinations.

9 (C) Delusions.

10 (D) Uncontrollable, repetitive, or intrusive thoughts.

11 (4) Ability to modulate mood and affect. Deficits in
12 this ability may be demonstrated by the presence of a
13 pervasive and persistent or recurrent state of euphoria,
14 anger, anxiety, fear, panic, depression, hopelessness or
15 despair, helplessness, apathy or indifference, that is
16 inappropriate in degree to the individual's
17 circumstances.

18 (b) A deficit in the mental functions listed above may
19 be considered only if the deficit, by itself or in
20 combination with one or more other mental function
21 deficits, significantly impairs the person's ability to
22 understand and appreciate the consequences of his or her
23 actions with regard to the type of act or decision in
24 question.

25 (c) In determining whether a person suffers from a
26 deficit in mental function so substantial that the person
27 lacks the capacity to do a certain act, the court may take
28 into consideration the frequency, severity, and duration
29 of periods of impairment.

30 (d) The mere diagnosis of a mental or physical
31 disorder shall not be sufficient in and of itself to support
32 a determination that a person is of unsound mind or lacks
33 the capacity to do a certain act.

34 (e) This part applies only to the evidence that is
35 presented to, and the findings that are made by, a court
36 determining the capacity of a person to do a certain act
37 or make a decision, including, but not limited to, making
38 medical decisions. Nothing in this part shall affect the
39 decisionmaking process set forth in Section 1418.8 of the
40 Health and Safety Code, nor increase or decrease the

1 burdens of documentation on, or potential liability of,
2 health care providers who, outside the judicial context,
3 determine the capacity of patients to make a medical
4 decision.

5 ~~(f) In uncontested cases, a party who requests a~~
6 ~~judicial determination that a party lacks capacity shall not~~
7 ~~be required to present evidence of any of the mental~~
8 ~~function deficits listed in subdivision (a) or any~~
9 ~~correlation between a mental function deficit and any~~
10 ~~particular decisions or acts.~~

11 ~~SEC. 22. Section 1802 of the Probate Code is amended~~
12 ~~to read:~~

13 ~~1802. (a) Subject to Section 1800.3, a conservator of~~
14 ~~the person or estate, or both, may be appointed for a~~
15 ~~person who voluntarily requests the appointment and~~
16 ~~who, to the satisfaction of the court, establishes good~~
17 ~~cause for the appointment.~~

18 ~~(b) A person who voluntarily requests the~~
19 ~~appointment of a conservator pursuant to this section~~
20 ~~shall not be required to present evidence that he or she~~
21 ~~suffers from any of the mental function deficits listed in~~
22 ~~subdivision (a) of Section 811.~~

23 ~~SEC. 23.~~

24 ~~SEC. 21. Section 1826 of the Probate Code is amended~~
25 ~~to read:~~

26 1826. Regardless of whether the proposed
27 conservatee attends the hearing, the court investigator
28 shall do all of the following:

29 (a) Interview the proposed conservatee personally.

30 (b) Inform the proposed conservatee of the contents
31 of the citation, of the nature, purpose, and effect of the
32 proceeding, and of the right of the proposed conservatee
33 to oppose the proceeding, to attend the hearing, to have
34 the matter of the establishment of the conservatorship
35 tried by jury, to be represented by legal counsel if the
36 proposed conservatee so chooses, and to have legal
37 counsel appointed by the court if unable to retain legal
38 counsel.

39 (c) Determine whether it appears that the proposed
40 conservatee is unable to attend the hearing and, if able to

1 attend, whether the proposed conservatee is willing to
2 attend the hearing.

3 (d) Review the allegations of the petition as to why the
4 appointment of the conservator is required and, in
5 making his or her determination, do the following:

6 (1) Refer to the supplemental information form
7 submitted by the petitioner and consider the facts set
8 forth in the form that address each of the categories
9 specified in paragraphs (1) to (5), inclusive, of
10 subdivision (a) of Section 1821.

11 (2) Consider, to the extent practicable, whether he or
12 she believes the proposed conservatee suffers from any of
13 the mental function deficits listed in subdivision (a) of
14 Section 811 that significantly impairs the proposed
15 conservatee's ability to understand and appreciate the
16 consequences of his or her actions in connection with any
17 of the functions described in subdivision (a) or (b) of
18 Section 1801 and identify the observations that support
19 that belief.

20 (e) Determine whether the proposed conservatee
21 wishes to contest the establishment of the
22 conservatorship.

23 (f) Determine whether the proposed conservatee
24 objects to the proposed conservator or prefers another
25 person to act as conservator.

26 (g) Determine whether the proposed conservatee
27 wishes to be represented by legal counsel and, if so,
28 whether the proposed conservatee has retained legal
29 counsel and, if not, the name of an attorney the proposed
30 conservatee wishes to retain.

31 (h) Determine whether the proposed conservatee is
32 capable of completing an affidavit of voter registration.

33 (i) If the proposed conservatee has not retained legal
34 counsel, determine whether the proposed conservatee
35 desires the court to appoint legal counsel.

36 (j) Determine whether the appointment of legal
37 counsel would be helpful to the resolution of the matter
38 or is necessary to protect the interests of the proposed
39 conservatee in any case where the proposed conservatee

1 does not plan to retain legal counsel and has not
2 requested the appointment of legal counsel by the court.

3 (k) Report to the court in writing, at least five days
4 before the hearing, concerning all of the foregoing,
5 including the proposed conservatee's express
6 communications concerning both of the following:

7 (1) Representation by legal counsel.

8 (2) Whether the proposed conservatee is not willing to
9 attend the hearing, does not wish to contest the
10 establishment of the conservatorship, and does not object
11 to the proposed conservator or prefer that another person
12 act as conservator.

13 (l) Mail, at least five days before the hearing, a copy of
14 the report referred to in subdivision (k) to all of the
15 following:

16 (1) The attorney, if any, for the petitioner.

17 (2) The attorney, if any, for the proposed conservatee.

18 (3) Any other persons as the court orders.

19 (m) The court investigator has discretion to release
20 the report required by this section to the public
21 conservator, interested public agencies, and the
22 long-term care ombudsman.

23 (n) The report required by this section is confidential
24 and shall be made available only to parties, persons given
25 notice of the petition who have requested this report or
26 who have appeared in the proceedings, their attorneys,
27 and the court. The court has discretion at any other time
28 to release the report, if it would serve the interests of the
29 conservatee. The county clerk shall provide for the
30 limitation of the report exclusively to persons entitled to
31 its receipt.

32 (o) This section does not apply to a proposed
33 conservatee who has personally executed the petition for
34 conservatorship, or one who has nominated his or her
35 own conservator, if he or she attends the hearing.

36 (p) If the court investigator has performed an
37 investigation within the preceding six months and
38 furnished a report thereon to the court, the court may
39 order, upon good cause shown, that another investigation

1 is not necessary or that a more limited investigation may
2 be performed.

3 ~~SEC. 24. Section 1870 of the Probate Code is amended~~
4 ~~to read:~~

5 ~~1870. As used in this article, unless the context~~
6 ~~otherwise requires, "transaction" includes, but is not~~
7 ~~limited to, making a contract, sale, transfer, or~~
8 ~~conveyance, incurring a debt or encumbering property,~~
9 ~~making a gift, delegating or exercising a power, and~~
10 ~~waiving a right.~~

11 ~~SEC. 25. Section 1872 of the Probate Code is amended~~
12 ~~to read:~~

13 ~~1872. (a) Except as otherwise provided in this article,~~
14 ~~the appointment of a conservator of the estate is an~~
15 ~~adjudication that the conservatee lacks the legal capacity~~
16 ~~to make any conveyance or other contract, delegate or~~
17 ~~exercise any power, or waive any right.~~

18 ~~(b) Except as otherwise provided in the order of the~~
19 ~~court appointing a limited conservator, the appointment~~
20 ~~does not limit the legal capacity of the limited~~
21 ~~conservatee to enter into transactions or types of~~
22 ~~transactions.~~

23 ~~SEC. 26.~~

24 ~~SEC. 22. Section 2620 of the Probate Code is amended~~
25 ~~to read:~~

26 ~~2620. (a) At the expiration of one year from the time~~
27 ~~of appointment and thereafter not less frequently than~~
28 ~~biennially, unless otherwise ordered by the court, the~~
29 ~~guardian or conservator shall present the account of the~~
30 ~~guardian or conservator to the court for settlement and~~
31 ~~allowance in the manner provided in Chapter 4~~
32 ~~(commencing with Section 1060) of Part 1 of Division 3.~~

33 ~~(b) The final account of the guardian or conservator~~
34 ~~following the death of the ward or conservatee shall~~
35 ~~include an account for the period that ended on the date~~
36 ~~of death and a separate account for the period subsequent~~
37 ~~to the date of death.~~

38 ~~SEC. 27.~~

39 ~~SEC. 23. Section 2640 of the Probate Code is amended~~
40 ~~to read:~~

1 2640. (a) At any time after the filing of the inventory
2 and appraisal, but not before the expiration of 90 days
3 from the issuance of letters or any other period of time as
4 the court for good cause orders, the guardian or
5 conservator of the estate may petition the court for an
6 order fixing and allowing compensation to any one or
7 more of the following:

8 (1) The guardian or conservator of the estate for
9 services rendered to that time.

10 (2) The guardian or conservator of the person for
11 services rendered to that time.

12 (3) The attorney for services rendered to that time by
13 the attorney to the guardian or conservator of the person
14 or estate or both.

15 (b) Notice of the hearing shall be given for the period
16 and in the manner provided in Chapter 3 (commencing
17 with Section 1460) of Part 1.

18 (c) Upon the hearing, the court shall make an order
19 allowing (1) any compensation requested in the petition
20 the court determines is just and reasonable to the
21 guardian or conservator of the estate for services
22 rendered or to the guardian or conservator of the person
23 for services rendered, or to both, and (2) any
24 compensation requested in the petition the court
25 determines is reasonable to the attorney for services
26 rendered to the guardian or conservator of the person or
27 estate or both. The compensation allowed to the guardian
28 or conservator of the person, the guardian or conservator
29 of the estate, and to the attorney may, in the discretion of
30 the court, include compensation for services rendered
31 before the date of the order appointing the guardian or
32 conservator. The compensation allowed shall thereupon
33 be charged to the estate. Legal services for which the
34 attorney may be compensated include those services
35 rendered by any paralegal performing legal services
36 under the direction and supervision of an attorney. The
37 petition or application for compensation shall set forth
38 the hours spent and services performed by the paralegal.

39 ~~SEC. 28. Section 6454 of the Probate Code is amended~~
40 ~~to read:~~

~~6454. For the purpose of determining intestate succession by a person or the person's issue from or through a foster parent or stepparent, the relationship of parent and child exists between that person and the person's foster parent or stepparent if both of the following requirements are satisfied:~~

~~(a) The relationship began during the person's minority and continued throughout the joint lifetimes of the person and the person's foster parent or stepparent.~~

~~(b) It is established by clear and convincing evidence that the foster parent or stepparent would have adopted the person but for a legal barrier existing at the time the adoption was contemplated or attempted, other than that person's refusal to consent or agree to the adoption.~~

~~SEC. 29.~~

SEC. 24. Section 8250 of the Probate Code is amended to read:

8250. (a) When a will is contested under Section 8004, the contestant shall file with the court an objection to probate of the will. Thereafter, a summons shall be issued and served, with a copy of the objection, on the persons required by Section 8110 to be served with notice of hearing of a petition for administration of the decedent's estate. The summons shall be issued and served as provided in Chapter 4 (commencing with Section 413.10) of Title 5 of Part 2 of the Code of Civil Procedure. The summons shall contain a direction that the persons summoned file with the court a written pleading in response to the contest within 30 days after service of the summons.

(b) A person named as executor in the will is under no duty to defend a contest until the person is appointed personal representative.

~~SEC. 30.~~

SEC. 25. Section 8271 of the Probate Code is amended to read:

8271. (a) On the filing of the petition, a summons shall be directed to the personal representative and to the heirs and devisees of the decedent, so far as known to the petitioner. The summons shall contain a direction that

1 the persons summoned file with the court a written
2 pleading in response to the petition within 30 days after
3 service of the summons. Failure of a person timely to
4 respond to the summons precludes the person from
5 further participation in the revocation proceeding, but
6 does not otherwise affect the person's interest in the
7 estate.

8 (b) The summons shall be issued and served with a
9 copy of the petition and proceedings had as in the case of
10 a contest of the will.

11 (c) If a person fails timely to respond to the summons:

12 (1) The case is at issue notwithstanding the failure and
13 the case may proceed on the petition and other
14 documents filed by the time of the hearing, and no
15 further pleadings by other persons are necessary.

16 (2) The person may not participate further in the
17 contest, but the person's interest in the estate is not
18 otherwise affected.

19 (3) The person is bound by the decision in the
20 proceeding.

21 ~~SEC. 31. Section 9053 of the Probate Code is amended~~
22 ~~to read:~~

23 ~~9053. (a) If the personal representative believes that~~
24 ~~notice to a particular creditor is or may be required by~~
25 ~~this chapter and gives notice based on that belief, the~~
26 ~~personal representative is not liable to any person for~~
27 ~~giving the notice, whether or not required by this~~
28 ~~chapter.~~

29 ~~(b) If the personal representative fails to give notice~~
30 ~~required by this chapter, the personal representative is~~
31 ~~not liable to any person for the failure, unless a creditor~~
32 ~~establishes all of the following:~~

33 ~~(1) The failure was in bad faith.~~

34 ~~(2) The creditor had no actual knowledge of the~~
35 ~~administration of the estate before expiration of the time~~
36 ~~for filing a claim, and payment would have been made on~~
37 ~~the creditor's claim in the course of administration if the~~
38 ~~claim had been properly filed.~~

1 ~~(3) Within 16 months after letters were first issued to~~
2 ~~a general personal representative, the creditor did both~~
3 ~~of the following:~~

4 ~~(A) Filed a petition requesting that the court in which~~
5 ~~the estate was administered make an order determining~~
6 ~~the liability of the personal representative under this~~
7 ~~subdivision.~~

8 ~~(B) At least 30 days before the hearing on the petition,~~
9 ~~caused notice of the hearing and a copy of the petition to~~
10 ~~be served on the personal representative in the manner~~
11 ~~provided in Chapter 4 (commencing with Section 413.10)~~
12 ~~of Title 5 of Part 2 of the Code of Civil Procedure.~~

13 ~~(c) Nothing in this section affects the liability of the~~
14 ~~estate, if any, for the claim of a creditor, and the personal~~
15 ~~representative is not liable for the claim to the extent it~~
16 ~~is paid out of the estate or could be paid out of the estate~~
17 ~~pursuant to Section 9103.~~

18 ~~(d) A personal representative has a duty to make~~
19 ~~reasonably diligent efforts to identify reasonably~~
20 ~~ascertainable creditors of the decedent.~~

21 ~~SEC. 32. Section 9100 of the Probate Code is amended~~
22 ~~to read:~~

23 ~~9100. (a) A creditor shall file a claim before~~
24 ~~expiration of the later of the following times:~~

25 ~~(1) Four months after the date letters are first issued~~
26 ~~to a general personal representative.~~

27 ~~(2) Sixty days after the date notice of administration is~~
28 ~~given to the creditor.~~

29 ~~(b) A reference in another statute to the time for filing~~
30 ~~a claim means the time provided in paragraph (1) of~~
31 ~~subdivision (a).~~

32 ~~(c) Nothing in this section shall be interpreted to~~
33 ~~extend or toll any other statute of limitations or to revive~~
34 ~~a claim that is barred by any statute of limitations. The~~
35 ~~reference in this subdivision to a "statute of limitations"~~
36 ~~includes Section 366.2 of the Code of Civil Procedure.~~

37 ~~SEC. 33.~~

38 *SEC. 26. (a) Section 17.1 of this bill incorporates*
39 *amendments to Section 6380 of the Family Code*
40 *proposed by both this bill and AB 1531. It shall only*

1 *become operative if (1) both bills are enacted and*
2 *become effective on or before January 1, 1999, (2) each*
3 *bill amends Section 6380 of the Family Code, (3) AB 2177*
4 *and SB 1682 are not enacted or as enacted do not amend*
5 *that section, and (4) this bill is enacted after AB 1531, in*
6 *which case Sections 17, 17.2, 17.3, 17.4, 17.5, 17.6, and 17.7*
7 *of this bill shall not become operative.*

8 *(b) Section 17.2 of this bill incorporates amendments*
9 *to Section 6380 of the Family Code proposed by this bill*
10 *and AB 2177. It shall only become operative if (1) both*
11 *bills are enacted and become effective on or before*
12 *January 1, 1999, (2) each bill amends Section 6380 of the*
13 *Family Code, and (3) AB 1531 and SB 1682 are not*
14 *enacted or as enacted do not amend that section, and (4)*
15 *this bill is enacted after AB 2177, in which case Sections*
16 *17, 17.1, 17.3, 17.4, 17.5, 17.6, and 17.7 of this bill shall not*
17 *become operative.*

18 *(c) Section 17.3 of this bill incorporates amendments*
19 *to Section 6380 of the Family Code proposed by this bill*
20 *and SB 1682. It shall only become operative if (1) both*
21 *bills are enacted and become effective on or before*
22 *January 1, 1999, (2) each bill amends Section 6380 of the*
23 *Family Code, and (3) AB 1531 and AB 2177 are not*
24 *enacted or as enacted do not amend that section, and (4)*
25 *this bill is enacted after SB 1682, in which case Sections 17,*
26 *17.1, 17.2, 17.4, 17.5, 17.6, and 17.7 of this bill shall not*
27 *become operative.*

28 *(d) Section 17.4 of this bill incorporates amendments*
29 *to Section 6380 of the Family Code proposed by this bill*
30 *and AB 1531 and AB 2177. It shall only become operative*
31 *if (1) all three bills are enacted and become effective on*
32 *or before January 1, 1999, (2) all three bills amend Section*
33 *6380 of the Family Code, and (3) SB 1682 is not enacted*
34 *or as enacted does not amend that section, and (4) this bill*
35 *is enacted after AB 1531 and AB 2177, in which case*
36 *Sections 17, 17.1, 17.2, 17.3, 17.5, 17.6, and 17.7 of this bill*
37 *shall not become operative.*

38 *(e) Section 17.5 of this bill incorporates amendments*
39 *to Section 6380 of the Family Code proposed by this bill*
40 *and AB 2177 and SB 1682. It shall only become operative*

1 *if (1) all three bills are enacted and become effective on*
2 *or before January 1, 1999, (2) all three bills amend Section*
3 *6380 of the Family Code, and (3) AB 1531 is not enacted*
4 *or as enacted does not amend that section, and (4) this bill*
5 *is enacted after AB 2177 and SB 1682, in which case*
6 *Sections 17, 17.1, 17.2, 17.3, 17.4, 17.6, and 17.7 of this bill*
7 *shall not become operative.*

8 *(f) Section 17.6 of this bill incorporates amendments to*
9 *Section 6380 of the Family Code proposed by this bill, AB*
10 *1531, and SB 1682. It shall only become operative if (1) all*
11 *three bills are enacted and become effective on or before*
12 *January 1, 1999, (2) all three bills amend Section 6380 of*
13 *the Family Code, and (3) AB 2177 is not enacted or as*
14 *enacted does not amend that section, and (4) this bill is*
15 *enacted after AB 1531 and SB 1682, in which case Sections*
16 *17, 17.1, 17.2, 17.3, 17.4, 17.5, and 17.7 of this bill shall not*
17 *become operative.*

18 *(g) Section 17.7 of this bill incorporates amendments*
19 *to Section 6380 of the Family Code proposed by this bill*
20 *and AB 1531, AB 2177, and SB 1682. It shall only become*
21 *operative if (1) all four bills are enacted and become*
22 *effective on or before January 1, 1999, (2) all four bills*
23 *amend Section 6380 of the Family Code, and (3) this bill*
24 *is enacted after AB 1531, AB 2177, and SB 1682, in which*
25 *case Sections 17, 17.1, 17.2, 17.3, 17.4, 17.5, and 17.6 of this*
26 *bill shall not become operative.*

27 **SEC. 27.** No reimbursement is required by this act
28 pursuant to Section 6 of Article XIII B of the California
29 Constitution for certain costs that may be incurred by a
30 local agency or school district because in that regard this
31 act creates a new crime or infraction, eliminates a crime
32 or infraction, or changes the penalty for a crime or
33 infraction, within the meaning of Section 17556 of the
34 Government Code, or changes the definition of a crime
35 within the meaning of Section 6 of Article XIII B of the
36 California Constitution.

37 However, notwithstanding Section 17610 of the
38 Government Code, if the Commission on State Mandates
39 determines that this act contains other costs mandated by
40 the state, reimbursement to local agencies and school

1 districts for those costs shall be made pursuant to Part 7
2 (commencing with Section 17500) of Division 4 of Title
3 2 of the Government Code. If the statewide cost of the
4 claim for reimbursement does not exceed one million
5 dollars (\$1,000,000), reimbursement shall be made from
6 the State Mandates Claims Fund.

7 Notwithstanding Section 17580 of the Government
8 Code, unless otherwise specified, the provisions of this act
9 shall become operative on the same date that the act
10 takes effect pursuant to the California Constitution.

